JOURNAL

OF THE

KENTUCKY SENATE

REGULAR 1932 SESSION

VOL I.

Held in the State Capitol, Frankfort, Ky., in the year of our Lord, one thousand nine hundred and thirty-two, in the year of the Commonwealth, one hundred and fiftieth

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This session began the fifth day of January, 1932, and closed the seventeenth day of March, 1932

OSCAR WICKER, Chief Clerk.
BYRON H. ROYSTER, Assistant Clerk.

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JOURNAL

OF THE

KENTUCKY SENATE

TUESDAY, JANUARY 5, 1932.

At a General Assembly begun and held for the Commonwealth of Kentucky, in the City of Frankfort, on the 5th day of January, in the year of our Lord, 1932, the Honorable Albert B. Chandler, Lieutenant-Governor and President of the Senate, presiding, called the Senate to order.

The Senate was opened with prayer by the Reverend Hampton Adams of the Christian Church, Frankfort, Ky.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. W. Yates
Robert Humphreys	Marion F. Pogue	—35

The Chief Clerk laid before the Senate the following com-

munication which had been delivered to him by the Secretary of State, which in words and figures is as follows:

COMMONWEALTH OF KENTUCKY
OFFICE OF SECRETARY OF STATE

I, Sara Mahan, Secretary of State for the Commonwealth of Kentucky, do certify that, based upon records and information filed in this office, the following appear to be the legally elected members of the Senate:

1st District, Robert Humphreys, Mayfield, Ky.
2nd District, Rev. C. D. McCaw, Paducah, Ky.
3rd District, Thos. O. Turner, Murray, Ky.
4th District, Marion F. Pogue, Marion, Ky.
5th District, R. H. Royster, Sebree, Ky.
6th District, Chas. G. Franklin, Madisonville, Ky.
7th District, Dr. T. J. Edge, Graham, Ky.
8th District, Gates F. Young, Owensboro, Ky.
9th District, C. T. McCormick, Sr., Russellville, Ky.
10th District, Joe Stewart, Munfordville, Ky.
11th District, Thos. C. Ferguson, Smith's Grove, Ky.
12th District, Jas. H. Bondurant, Brandenburg, Ky.
13th District, E. D. Stephenson, Pikeville, Ky.
14th District, Edwin C. Dawson, New Haven, Ky.
15th District, Walter N. Flippin, Somerset, Ky.
16th District, F. M. White, Tompkinsville, Ky.
17th District, Ray B. Moss, Pineville, Ky.
18th District, E. C. Moore, Liberty, Ky.
19th District, W. A. Yates, Glasgow, Ky.
20th District, W. W. Booles, Taylorsville, Ky.
21st District, Perry B. Gaines, Carrollton, Ky.
22nd District, Drake Naive, Versailles, Ky.
23rd District, Frank I. Lloyd, Louisville, Ky.
24th District, O. M. Rogers (Erlanger), Covington, Ky.
25th District, G. W. Ragan (Cold Springs), Newport, Ky.
26th District, L. C. Littrell, Owenton, Ky.
27th District, Arch Hamilton, Lexington, Ky.
28th District, J. S. W. Holloway, Winchester, Ky.

29th District, Wm. Isaacs, Berea, Ky., R. F. D.
30th District, Silas Jacobs, Brooksville, Ky.
31st District, Allie W. Young, Morehead, Ky.
32nd District, J. M. Rose, Olive Hill, Ky.
33rd District, Hiram Brock, Harlan, Ky.
34th District, Sewell B. Williams, Jackson, Ky.
35th District, Fred C. VanHoose, Mingo, Ky.
36th District, Alex M. Johnson, Louisville, Ky.
37th District, Wm. Mehler, Louisville, Ky.
38th District, Dr. Lewis Ryan, Louisville, Ky.

SARA MAHAN,
January 4, 1932 Secretary of State.

Thereupon, the following Senators produced their certificates of election and took the several oaths required by the Constitution and the laws of the Commonwealth of Kentucky, the oaths being administered by Chief Justice Richard P. Dietzman:

R. G. Humphreys, First Senatorial District.
T. O. Turner, Third Senatorial District.
R. H. Royster, Fifth Senatorial District.
Dr. T. J. Edge, Seventh Senatorial District.
C. T. McCormick, Sr., Ninth Senatorial District.
T. C. Ferguson, Eleventh Senatorial District.
E. D. Stephenson, Thirteenth Senatorial District.
W. N. Flippin, Fifteenth Senatorial District.
R. B. Moss, Seventeenth Senatorial District.
W. A. Yates, Nineteenth Senatorial District.
P. B. Gaines, Twenty-first Senatorial District.
D. C. Naive, Twenty-second Senatorial District.
F. I. Lloyd, Twenty-third Senatorial District.
O. M. Rogers, Twenty-fourth Senatorial District.
Dr. G. W. Ragan, Twenty-fifth Senatorial District.
A. L. Hamilton, Twenty-seventh Senatorial District.
William Isaacs, Twenty-ninth Senatorial District.
A. W. Young, Thirty-first Senatorial District.
H. M. Brock, Thirty-third Senatorial District.
F. C. VanHoose, Thirty-fifth Senatorial District.
William Mehler, Thirty-seventh Senatorial District.

Thereupon, the President of the Senate, Lieutenant-Governor Albert B. Chandler, announced that the next order of business should be the nomination of the Chief Clerk of the Senate.

Whereupon Senator Charles G. Franklin nominated Mr. Oscar Wicker of Crittenden County as a suitable person to fill said office.

There being no other nominations, the vote was taken thereon.

Those who voted for Mr. Wicker were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. A. Yates
Robert Humphreys	Marion F. Pogue	—35

Mr. Wicker having received a majority of the votes of the Senators, the President of the Senate declared him duly elected as Chief Clerk of the Senate for the present term.

Thereupon, Mr. Wicker was administered the oath of office by Chief Justice Richard P. Dietzman of the Court of Appeals of Kentucky.

The President of the Senate then vacated the chair.

Thereupon Mr. Wicker, Chief Clerk of the Senate, took

the chair and announced that nominations for President Pro Tem were in order.

Senator W. A. Yates nominated Senator Charles G. Franklin of Hopkins County as a suitable person to fill said office.

Senator H. M. Brock nominated Senator Lewis Ryans of Louisville, Ky., as a suitable person to fill said office.

There being no other nominations, the vote was taken thereon, which resulted as follows, viz:

Those who voted for Senator Franklin were:

Jas. H. Bondurant	L. C. Littrell	R. H. Royster
W. W. Booles	Rev. C. D. McCaw	Dr. Lewis Ryans
Edwin C. Dawson	C.T.McCormick,Sr.	E. D. Stephenson
Thos. C. Ferguson	E. C. Moore	Joe Stewart
Perry B. Gaines	D. C. Naive	Thos. O. Turner
J. S. W. Holloway	Marion F. Pogue	Sewell B. Williams
Robert Humphreys	Dr. G. W. Ragan	W. A. Yates
Silas Jacobs	O. M. Rogers	Gates F. Young

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Those who voted for Senator Ryans were:

H. M. Brock	Alex E. Johnson	Fred C. VanHoose
Dr. T. J. Edge	Frank I. Lloyd	F. M. White
Walter N. Flippin	Wm. Mehler	
Wm. Isaacs	Ray B. Moss	

—10

Whereupon the Chief Clerk declared Senator Charles G. Franklin duly elected President Pro Tem of the Senate for the present term.

The Chief Clerk thereupon vacated the chair and the President of the Senate resumed the chair.

The President of the Senate then announced that nominations for Assistant Clerk were in order.

Whereupon Senator Gates Young nominated Byron H. Royster of Webster County as a suitable person to fill said office.

There being no other nominations, the vote was taken thereon which resulted as follows, viz:

Those who voted for Mr. Royster were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. A. Yates
Robert Humphreys	Marion F. Pogue	—35

The President of the Senate declared Mr. Royster duly elected Assistant Clerk of the Senate for the present term.

The President of the Senate then announced that nominations for Enrolling Clerk were in order.

Whereupon Senator Gates Young nominated Mrs. Goldie Pepples of Lawrence County, as a suitable person to fill said office.

There being no other nominations, vote was taken thereon which resulted as follows, viz:

Those who voted for Mrs. Pepples were:

Jas. H. Bondurant	Edwin C. Dawson	Walter N. Flippin
W. W. Booles	Dr. T. J. Edge	Chas. G. Franklin
H. M. Brock	Thos. C. Ferguson	Perry B. Gaines

Arch Hamilton	C.T.McCormick,Sr.	Dr. Lewis Ryans
J. S. W. Holloway	Wm. Mehler	E. D. Stephenson
Robert Humphreys	E. C. Moore	Joe Stewart
Wm. Isaacs	Ray B. Moss	Thos. O. Turner
Silas Jacobs	D. C. Naive	Fred C. VanHoose
Alex E. Johnson	Marion F. Pogue	F. M. White
L. C. Littrell	Dr. G. W. Ragan	Sewell B. Williams
Frank I. Lloyd	O. M. Rogers	W. A. Yates
Rev. C. D. McCaw	R. H. Royster	—35

The President of the Senate declared Mrs. Pepples duly elected Enrolling Clerk of the Senate for the present term.

The President of the Senate then announced that nominations for Sergeant-at-Arms were in order.

Whereupon Senator Gates F. Young nominated James "Red" Roberts of Boyle County as a suitable person to fill said office.

There being no other nominations, the vote was taken thereon which resulted as follows, viz:

Those who voted for Mr. Roberts were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. A. Yates
Robert Humphreys	Marion F. Pogue	—35

The President of the Senate declared Mr. Roberts duly elected Sergeant-at-Arms of the Senate for the present term.

The President of the Senate then announced that nominations for Doorkeeper were in order.

Whereupon Senator Gates F. Young nominated Byron Williams of Caldwell County as a suitable person to fill said office.

There being no other nominations, the vote was taken thereon, which resulted as follows, viz:

Those who voted for Mr. Williams were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. A. Yates
Robert Humphreys	Marion F. Pogue	—35

The President of the Senate declared Mr. Williams duly elected Doorkeeper of the Senate for the present term.

The President of the Senate then announced that nominations for Cloak Room Keeper were in order.

Whereupon Senator Gates F. Young nominated Dave Haley of Kenton County as a suitable person to fill said office.

There being no other nominations, the vote was taken thereon which resulted as follows, viz:

Those who voted for Mr. Haley were:

Jas. H. Bondurant	H. M. Brock	Dr. T. J. Edge
W. W. Booles	Edwin C. Dawson	Thos. C. Ferguson

Walter N. Flippin	Frank I. Lloyd	R. H. Royster
Chas. G. Franklin	Rev. C. D. McCaw	Dr. Lewis Ryans
Perry B. Gaines	C.T.McCormick,Sr.	E. D. Stephenson
Arch Hamilton	Wm. Mehler	Joe Stewart
J. S. W. Holloway	E. C. Moore	Thos. O. Turner
Robert Humphreys	Ray B. Moss	Fred C. VanHoose
Wm. Isaacs	D. C. Naive	F. M. White
Silas Jacobs	Marion F. Pogue	Sewell B. Williams
Alex E. Johnson	Dr. G. W. Ragan	W. A. Yates
L. C. Littrell	O. M. Rogers	—35

The President of the Senate declared Mr. Haley duly elected Cloak Room Keeper of the Senate for the present term.

Whereupon the President of the Senate announced that nominations for Janitor were in order.

Whereupon Senator Gates F. Young nominated Caroline Edwards of Frankfort as a suitable person to fill said office.

There being no other nominations, the vote was taken thereon which resulted as follows, viz:

Those who voted for Miss Edwards were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. A. Yates
Robert Humphreys	Marion F. Pogue	—35

Whereupon the President of the Senate announced that Caroline Edwards was duly elected Janitor of the Senate for the present term.

Whereupon the President of the Senate then announced that nominations for three Pages were in order.

Whereupon Senator Gates F. Young nominated Harry Sullivan, Dan Mulholland and Mary Howser as suitable persons to fill said offices.

There being no other nominations, the vote was taken thereon, which resulted as follows, viz:

Those who voted for Sullivan, Mulholland and Howser were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. A. Yates
Robert Humphreys	Marion F. Pogue	—35

The President of the Senate announced that Mr. Sullivan, Mr. Mulholland and Miss Howser were duly elected Pages of the Senate for the present term.

Whereupon Senator Charles G. Franklin, Byron H. Royster, Mrs. Goldie Pepples, James "Red" Roberts, Byron Williams, Dave Haley, Caroline Edwards, Harry Sullivan, Dan Mulholland and Mary Howser took the oath required by the Constitution and the laws of the Commonwealth, said oaths being administered by Chief Justice Richard P. Dietzman.

The President of the Senate announced as his personal page, Paul Garrett.

Senator Gates F. Young moved that the Lieutenant-Governor appoint a Committee of five to notify the Governor and the House of Representatives that the Senate was organized and ready for work. Said Committee was composed of Senator Charles G. Franklin, Senator Gates Young, Senator Naive, Senator Stewart and Senator Ryans.

After a time the said Committee announced they had performed said duty.

Thereupon, the Governor of the Commonwealth of Kentucky, Ruby Laffoon, addressed the Senate.

Senator Gates F. Young proposed the following resolution:

Be it resolved by the Senate:

That the Lieutenant-Governor be, and he is hereby empowered to employ such assistance in and about the Senate Chamber during the session of the Senate, as, to him, may seem advisable under the provisions of Chapter 69, Session Acts of 1926.

Ayes and nays being required thereon, in accordance with a provision of the Constitution, resulted as follows, namely:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	Sewell B. Williams
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Gates F. Young
Robert Humphreys	Dr. G. W. Ragan	
Wm. Isaacs	O. M. Rogers	—37

Said resolution was adopted.

Senator Royster moved that the rules of the 1930 Session of the Senate be adopted as rules of 1932 until new rules are made.

Said motion was agreed to.

Senator Gaines moved that the Senate recess for 15 minutes.

Said motion was agreed to.

After a time the Senate reconvened.

Senator Charles G. Franklin proposed the following resolution:

Senate Resolution No. 1:

Resolution appropriating a Contingent Fund for the Chief Clerk of the Senate and House of Representatives.

Said resolution reads as follows:

SENATE RESOLUTION

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky, is directed to incur by the Senate of Kentucky, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of Five Hundred Dollars ($500.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives of the Commonwealth, under the direction of said House, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of Five Hundred Dollars ($500.00). Said respective funds shall be paid out on warrant of the Auditor, issued on requisition of

the Chief Cerk of the Senate and of the House of Representatives, respectively.

Senator Franklin moved that the rules be suspended and said resolution put upon its adoption.

Said motion was agreed to.

Ayes and nays being required thereon, in accordance with a provision of the Constitution, resulted as follows, namely:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	Alex E. Johnson	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	W. A. Yates
J. S. W. Holloway	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—35

Said resolution was adopted.

Senator Gates Young moved that the Senate recess for 45 minutes.

Said motion was agreed to.

Senator Brock asked leave of absence for Senator A. E. Johnson.

Said request was granted.

Senator Allie Young moved that the President of the Senate appoint a Committee of three to draft rules for the 1932 Session of the Senate.

Said motion was agreed to.

Thereupon, the Lieutenant-Governor appointed on said Committee Senator Allie Young, Senator Charles G. Franklin and Senator Lewis Ryans.

A message was received from the House of Representatives announcing that they had passed a joint resolution for the adjournment of the General Assembly.

Said resolution reads as follows, namely:

Be it resolved by the House of Representatives, the Senate concurring therein, that when the House and Senate do adjourn today, January 5, 1932, that it do adjourn to meet on Monday, January 11, 1932, at one o'clock P. M., Central Standard Time.

Senator Franklin moved that the rules be suspended and said resolution be adopted.

Ayes and nays being required thereon, in accordance with a provision of the Constitution, resulted as follows, namely:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	Alex E. Johnson	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	W. A. Yates
J. S. W. Holloway	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—35

Said resolution was adopted.

Senator Flippin moved the privileges of the floor be ex-

tended to Judge R. C. Tater of Somerset and Judge C. C. Duncan of Monticello.

Said motion was agreed to.

Senator Lloyd moved the privileges of the floor be extended to Mr. C. W. Ryans of Louisville.

Said motion was agreed to.

Senator Naive moved the privileges of the floor be extended to Misses Marcella Chandler, Mildred Chandler and Elizabeth Morgan.

Said motion was agreed to.

Senator Lloyd moved the privileges of the floor be extended for the term of the 1932 session to Mr. M. J. Brennan, Mr. Mark Beauchamp and Mrs. Lennie McLaughlin of Louisville.

Said motion was agreed to.

Senator Arch Hamilton moved the privileges of the floor be extended for the term of the 1932 session to Mr. Andrew Hickey of Lexington.

Said motion was agreed to.

Senator P. B. Gaines moved the privileges of the floor be extended to Mr. Oscar Vest.

Said motion was agreed to.

Senator Moore moved the privileges of the floor be extended to Ex-Senator and Mrs. Moss and Mrs. John Dice.

Said motion was agreed to.

Said resolution was adopted.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

MONDAY, JANUARY 11, 1932.

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened by prayer by Senator R. H. Royster of Webster County.

The role of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	L. C. Littrell	R. H. Royster
Edwin C. Dawson	Frank I. Lloyd	Dr. Lewis Ryans
Dr. T. J. Edge	Rev. C. D. McCaw	E. D. Stephenson
Thos. C. Ferguson	C.T.McCormick,Sr.	Joe Stewart
Walter N. Flippin	Wm. Mehler	Thos. O. Turner
Chas. G. Franklin	E. C. Moore	Fred C. VanHoose
Perry B. Gaines	Ray B. Moss	F. M. White
Arch Hamilton	D. C. Naive	Sewell B. Williams
J. S. W. Holloway	Marion F. Pogue	W. A. Yates
Robert Humphreys	Dr. G. W. Ragan	Allie W. Young
Wm. Isaacs	O. M. Rogers	Gates F. Young

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Senator Booles was called to the Clerk's desk by the President of the Senate and each member was requested to wear a red carnation in honor of said Senator, he having served as Senator thirty years ago.

Senator Gates Young moved that Reading of Journal be dispensed with and Journal be approved.

Said motion was agreed to.

Lieutenant-Governor Albert B. Chandler presented to the Senate the Standing Committees for the 1932 Session.

Said Committees are as follows, namely:

RULES COMMITTEE

Albert B. Chandler, *Chairman Ex-Officio*

1. J. H. Bondurant
2. W. W. Booles
3. Edwin C. Dawson
4. Chas. G. Franklin
5. Perry B. Gaines
6. Robert Humphreys
7. Silas Jacobs
8. E. C. Moore
9. D. C. Naive
10. W. A. Yates
11. E. D. Stephenson
12. Allie W. Young
13. Gates F. Young
14. O. M. Rogers
15. Joe Stewart
16. Dr. Lewis Ryans
17. H. M. Brock
18. Alex E. Johnson

AGRICULTURE AND STATE FAIR

C. T. McCormick, Sr., *Chairman*

1. Fred C. VanHoose
2. J. S. W. Holloway
3. Wm. Isaacs
4. T. C. Ferguson
5. L. C. Littrell
6. Sewell B. Williams

APPROPRIATIONS

Perry B. Gaines, *Chairman*

1. Jno. S. W. Holloway
2. Chas. G. Franklin
3. Arch L. Hamilton
4. Thos. O. Turner
5. L. C. Littrell
6. Allie W. Young
7. E. D. Stephenson
8. Edwin C. Dawson
9. Alex E. Johnson
10. E. C. Moore
11. Gates F. Young
12. Ray B. Moss

BANKS AND TRUST COMPANIES

Gates F. Young, *Chairman*

1. W. W. Booles
2. Dr. G. W. Ragan
3. Thos. O. Turner
4. Ray B. Moss
5. D. C. Naive
6. L. C. Littrell

CHARITABLE, PENAL AND REFORMATORY INSTITUTIONS

Thos. O. Turner, *Chairman*

1. R. H. Royster
2. Perry B. Gaines
3. Joe Stewart
4. Dr. T. J. Edge
5. Sewell B. Williams
6. W. W. Booles

CHILD WELFARE AND SOCIAL WORK
John S. W. Holloway, *Chairman*

1. Joe Stewart
2. Edwin C. Dawson
3. Thos. O. Turner
4. William Mehler
5. Ray B. Moss
6. Dr. Lewis Ryans

COMPENSATION FOR INDUSTRIAL INJURIES
Dr. Lewis Ryans, *Chairman*

1. J. M. Rose
2. Alex L. Hamilton
3. Gates F. Young
4. E. D. Stephenson
5. R. H. Royster
6. Dr. G. W. Ragan

CLASSIFICATION OF CITIES AND TOWNS
C. D. McCaw, *Chairman*

1. Dr. G. W. Ragan
2. Frank I. Lloyd
3. Wm. Mehler
4. R. H. Royster
5. Sewell B. Williams
6. John S. W. Holloway

COURTS AND LEGAL PROCEDURE
E. C. Moore, *Chairman*

1. Walter N. Flippin
2. O. M. Rogers
3. Silas Jacobs
4. H. M. Brock
5. E. D. Stephenson
6. Allie W. Young

CRIMINAL LAW
Silas Jacobs, *Chairman*

1. W. W. Booles
2. Arch L. Hamilton
3. D. C. Naive
4. Chas. G. Franklin
5. Dr. Lewis Ryans
6. H. M. Brock

CONGRESSIONAL ETC. REAPPORTIONMENT
D. C. Naive, *Chairman*

1. W. W. Booles
2. H. M. Brock
3. E. C. Moore
4. Perry B. Gaines
5. Chas. G. Franklin
6. Allie W. Young
7. Arch L. Hamilton
8. C. T. McCormick, Sr.
9. W. A. Yates
10. Edwin C. Dawson

Constitutional Amendments

Dr. J. M. Rose, *Chairman*

1. Marion F. Pogue
2. Sewell B. Williams
3. Frank M. White
4. Thos. O. Turner
5. Jno S. W. Holloway
6. R. H. Royster

Common Carriers and Commerce

L. C. Littrell, *Chairman*

1. Arch L. Hamilton
2. Edwin C. Dawson
3. C. D. McCaw
4. Marion F. Pogue
5. Frank I. Lloyd
6. Walter N. Flippin

Drains and Ditches

Wm. Isaacs, *Chairman*

1. Dr. T. J. Edge
2. Marion F. Pogue
3. L. C. Littrell
4. C. D. McCaw

Education

O. M. Rogers, *Chairman*

1. Marion F. Pogue
2. J. S. W. Holloway
3. Edwin C. Dawson
4. Dr. G. W. Ragan
5. Dr. Lewis Ryans
6. Gates F. Young
7. Frank M. White
8. C. T. McCormick, Sr.

Enrollment

Joe Stewart, *Chairman*

1. Frank M. White
2. Fred C. VanHoose
3. R. H. Royster
4. Dr. G. W. Ragan
5. Dr. T. J. Edge
6. E. C. Moore

Executive Affairs and Federal Relations

Frank M. White, *Chairman*

1. Frank I. Lloyd
2. D. C. Naive
3. Marion F. Pogue
4. Robert Humphreys
5. Edwin C. Dawson
6. Gates F. Young

Game and Fish

R. H. Royster, *Chairman*

1. Gates F. Young
2. W. A. Yates
3. Arch L. Hamilton
4. O. M. Rogers
5. J. H. Bondurant
6. C. D. McCaw

Forestry and State Parks

Fred C. VanHoose, *Chairman*

1. C. D. McCaw
2. T. C. Ferguson
3. Frank M. White
4. Sewell B. Williams
5. J. M. Rose
6. L. C. Littrell

Geological Survey

W. A. Yates, *Chairman*

1. Marion F. Pogue
2. E. C. Stephenson
3. Jno S. W. Holloway
4. Wm. Mehler
5. Wm. Isaacs
6. Perry B. Gaines

Insurance

J. H. Bondurant, *Chairman*

1. T. C. Ferguson
2. Alex E. Johnson
3. Jno S. W. Holloway
4. L. C. Littrell
5. Chas. G. Franklin
6. Edwin C. Dawson

Judiciary

E. D. Stephenson, *Chairman*

1. O. M. Rogers
2. Walter N. Flippin
3. E. C. Moore
4. Jno. S. W. Holloway
5. Silas Jacobs
6. Ray B. Moss

Kentucky Statutes No. 1

Allie W. Young, *Chairman*

1. Edwin C. Dawson
2. Chas. G. Franklin
3. Robert Humphreys
4. D. C. Naive
5. E. D. Stephenson

KENTUCKY STATUTES No. 2
Marion F. Pogue, *Chairman*

1. Wm. Mehler
2. Walter N. Flippin
3. E. C. Moore
4. Dr. G. W. Ragan
5. R. H. Royster
6. Sewell B. Williams

KENTUCKY UNIVERSITIES AND NORMAL SCHOOLS
Arch L. Hamilton, *Chairman*

1. Allie W. Young
2. Wm. Isaacs
3. Thos. O. Turner
4. T. C. Ferguson
5. Sewell B. Williams
6. Frank M. White

LABOR AND MANUFACTURING
Frank I. Lloyd, *Chairman*

1. Dr. T. J. Edge
2. Thos. O. Turner
3. Marion F. Pogue
4. C. D. McCaw
5. J. H. Bondurant
6. Arch L. Hamilton

LIBRARY AND HISTORICAL RECORDS
Ray B. Moss, *Chairman*

1. Dr. G. W. Ragan
2. C. D. McCaw
3. J. M. Rose
4. Joe Stewart
5. L. C. Littrell

MILITARY AFFAIRS
T. C. Ferguson, *Chairman*

1. C. T. McCormick, Sr.
2. Ray B. Moss
3. Arch Hamilton
4. Frank I. Lloyd
5. H. M. Brock
6. Jno S. W. Holloway

MINES AND MINING
H. M. Brock, *Chairman*

1. Ray B. Moss
2. E. D. Stephenson
3. Arch L. Hamilton
4. L. C. Littrell
5. Fred C. VanHoose
6. Allie W. Young

MOTOR VEHICLES AND TRANSPORTATION

Chas. G. Franklin, *Chairman*

1. O. M. Rogers
2. Perry B. Gaines
3. W. W. Booles
4. Dr. Lewis Ryans
5. Edwin C. Dawson
6. Allie W. Young
7. D. C. Naive
8. Robert Humphreys

MUNICIPALITIES

Wm. Mehler, *Chairman*

1. O. M. Rogers
2. Dr. G. W. Ragan
3. Arch L. Hamilton
4. Frank I. Lloyd
5. Dr. Lewis Ryans
6. C. D. McCaw

NATIONAL PARKS

T. C. Ferguson, *Chairman*

1. W. A. Yates
2. C. T. McCormick, Sr.
3. Joe Stewart
4. J. H. Bondurant
5. Wm. Isaacs
6. Dr. J. M. Rose

PRINTING

Frank M. White, *Chairman*

1. L. C. Littrell
2. Marion F. Pogue
3. C. D. McCaw
4. Dr. J. M. Rose
5. Sewell B. Williams
6. Frank I. Lloyd

PUBLIC HEALTH

Dr. C. W. Ragan, *Chairman*

1. Dr. J. M. Rose
2. Jno. S. W. Holloway
3. Allie W. Young
4. Frank M. White
5. Sewell B. Williams
6. Arch L. Hamilton

PUBLIC UTILITIES

Marion F. Pogue, *Chairman*

1. H. M. Brock
2. C. D. McCaw
3. Allie W. Young
4. O. M. Rogers
5. Ray B. Moss
6. Silas Jacobs

REGULATION OF INTOXICATING LIQUORS

Walter N. Flippin, *Chairman*

1. Dr. T. J. Edge
2. C. D. McCaw
3. Thos. O. Turner
4. C. T. McCormick, Sr.
5. Silas Jacobs
6. W. A. Yates

REVENUE AND TAXATION

W. W. Booles, *Chairman*

1. Sewell B. Williams
2. H. M. Brock
3. Marion F. Pogue
4. W. A. Yates
5. Chas. G. Franklin
6. Allie W. Young
7. Perry B. Gaines
8. Gates F. Young

ROADS AND HIGHWAYS

Edwin C. Dawson, *Chairman*

1. Chas. G. Franklin
2. Allie W. Young
3. D. C. Naive
4. W. A. Yates
5. Perry B. Gaines
6. E. D. Stephenson

SUFFRAGE AND ELECTIONS

Sewell B. Williams, *Chairman*

1. Arch L. Hamilton
2. E. C. Moore
3. H. M. Brock
4. Dr. T. J. Edge
5. Jno. S. W. Holloway
6. R. H. Royster

TRADE AND COMMERCE

Dr. T. J. Edge, *Chairman*

1. Frank I. Lloyd
2. Joe Stewart
3. J. H. Bondurant
4. Alex E. Johnson
5. Dr. G. W. Ragan
6. Silas Jacobs

COMMITTEE ON VETERAN'S LEGISLATION

Robert Humphries, *Chairman*

1. W. W. Booles
2. Chas. G. Franklin
3. Edwin C. Dawson
4. Ray B. Moss
5. Silas Jacobs
6. D. C. Naive

COMMITTEE ON JUDICIAL COUNCIL
Alex E. Johnson, *Chairman*

1. Gates F. Young
2. Walter N. Flippin
3. Arch L. Hamilton
4. Allie W. Young
5. H. M. Brock
6. O. M. Rogers

Senator Stephenson moved the privileges of the floor be extended to Mr. and Mrs. D. M. Howerton.

Said motion was agreed to.

Senator White moved the privileges of the floor be extended to Mrs. H. G. Joons.

Said motion was agreed to.

Senator Booles moved the privileges of the floor be extended to Mr. J. B. Block of Lawrenceburg.

Said motion was agreed to.

Senator Royster moved the privileges of the floor be extended to Mr. N. Powell Taylor, of Henderson, and Mr. and Mrs. Ben Niles of Henderson.

Said motion was agreed to.

Senator Gaines moved the privileges of the floor be extended to Mr. Roy T. Ray, of Upton; Mr. Rachman Hanshoran, of Shelbyville, and Mr. O. H. Brewer.

Said motion was agreed to.

Senator Naive moved the privileges of the floor be extended to Mr. Sam Rosenstein, of Frankfort, and Miss Dorothy Jackson, of Versailles.

Said motion was agreed to.

Senator Stephenson moved the privileges of the floor be extended to Mr. A. A. Demunbrun, of Mammoth Cave, and Mr. Lloyd Clay, of Paintsville.

Said motion was agreed to.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

TUESDAY, JANUARY 12, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened by prayer by Reverend Joseph E. O'Dwyer of the Good Shepherd's Church of Frankfort, Ky.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	L. C. Littrell	R. H. Royster
H. M. Brock	Frank I. Lloyd	Dr. Lewis Ryans
Edwin C. Dawson	Rev. C. D. McCaw	E. D. Stephenson
Thos. C. Ferguson	C.T.McCormick,Sr.	Joe Stewart
Walter N. Flippin	E. C. Moore	Thos. O. Turner
Chas. G. Franklin	Ray B. Moss	Fred C. VanHoose
Perry B. Gaines	D. C. Naive	F. M. White
J. S. W. Holloway	Marion F. Pogue	Sewell B. Williams
Robert Humphreys	Dr. G. W. Ragan	W. A. Yates
Wm. Isaacs	O. M. Rogers	Gates F. Young

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Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal was approved.

Said motion was agreed to.

Senator Ryans moved that leave of absence be granted to Senator Mehler for the day.

Said motion was agreed to.

The President of the Senate, Lieutenant-Governor Albert B. Chandler, appointed a committee of three to call upon the Governor to ascertain the time that he would deliver his message to a Joint Session of the General Assembly.

The following committee was appointed:

Senator Yates, Gaines and Holloway.

After a time said committee reported that the Governor would address the Joint Session of the General Assembly at 11 A. M. sharp.

Senator Holloway moved that the Senate recess until 11 o'clock A. M.

Said motion was agreed to.

11 o'clock having arrived the Senate was called together and repaired to the House of Representatives where they met in Joint Session with said House.

The roll of the Joint Session of the Senate and House of Representatives was called and the following Senators and Representatives answered to their names:

SENATORS

Jas. H. Bondurant	Thos. C. Ferguson	J. S. W. Holloway
W. W. Booles	Walter N. Flippin	Robert Humphreys
H. M. Brock	Chas. G. Franklin	Wm. Isaacs
Edwin C. Dawson	Perry B. Gaines	Silas Jacobs
Dr. T. J. Edge	Arch Hamilton	Alex E. Johnson

L. C. Littrell
Frank I. Lloyd
Rev. C. D. McCaw
C.T.McCormick,Sr.
Wm. Mehler
E. C. Moore
Ray B. Moss
D. C. Naive
Marion F. Pogue
Dr. G. W. Ragan
O. M. Rogers
J. M. Rose
R. H. Royster
Dr. Lewis Ryans
E. D. Stephenson
Joe Stewart
Thos. O. Turner
Fred C. VanHoose
F. M. White
Sewell B. Williams
W. A. Yates
Allie W. Young
Gates F. Young
—38

REPRESENTATIVES

Frank B. Adcock
V. H. Baird
Levi Baker
A. J. Baldridge
H. Clay Baldwin
Marshall Barnes
W. R. Bastin
Fred Beshears
Dr. S. A. Blackburn
Joe F. Bosworth
Perry Roscoe Brown
Leer Buckley
James W. Chapman
Lee Clark
Sidney J. Collins
J. C. B. Conrad
Elmer Cook
Columbus Cooper
W. W. Cooper
D. Bernard Coughlin
O. M. Crewdson
Garland Cunningham
Luther Deaton
Tom Decker
Ed C. Dennington
James L. Dodge
Geo. R. Douglas
Thomas J. Dunn
William A. Eimer
Harry W. Ennis
C. E. Evans
Jos. B. Everhart
Chas. H. Fair
Leo Fentress
J. B. Floyd
E. M. Ford
Kelly J. Francis
Ferd A. Gnau
C. O. Graves
E. L. Hagan
L. B. Hamilton
Claude R. Hammons
L. B. Handley
Herman G. Handmaker
E. C. Hardin
A. L. Hill
L. G. Horn
Luther House
G. W. Howard
Theron M. Johnson
J. R. Johnston
John B. Klefot
Frank Lebus
Martin Light
Hugh Mahin
Harold R. Marquette
Chas. Marshall
Geo. R. McIntosh

Will McRohan
John H. McWaters
Henry Meiman
Harry J. Meyers
G. M. Middleton
Joe Morgan
F. Tyler Munford
L. C. Nell
R. E. Perkins
Tom C. Pettit
Steve Pieratt
C. H. Powers
Abraham Renick
M. C. Roark
John B. Robards
J. C. Robinson
J. O. Scroggins
Walter H. Sebastian
Chas. Sexton
G. W. Shadoan
Dr. B. F. Shields
J. H. Short
Bruce Sloan
Denny P. Smith
Dr. W. J. Smith
Grover C. Springate
T. B. Staggs
G. B. Stamper
Earl R. Stephens
Raleigh L. Stevens
Homer T. Sullivan
Elmore J. Thomas
Jos. A. Thompson
H. Speed Tye
C. A. Van Lahr
J. D. Via
L. M. Weathers
G. W. Wiggington
V. T. Willis
B. F. Wright
R. Vernon Yandell
Mr. Speaker, John Y. Brown
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The President of the Senate appointed as a Committee to escort Governor Laffoon to the Joint Session of the General Assembly the following committee:

Senators Yates, Gaines, and Holloway; Representatives Lebus, Bosworth and Graves.

After a time said committee, escorting Governor Laffoon to the Clerk's desk, he delivered his message in person to the Joint Session.

(GOVERNOR'S MESSAGE)

You are the accredited representatives of the people, having been chosen by the electorate of your respective districts to serve your state as its lawmakers. In your organized capacity you constitute the most important branch of the government.

The executive and judicial branches of government can only, under certain rules of procedure, enforce and interpret the laws that are enacted by the legislative branch. The chief executive has no authority to make laws for the government of the people and any interpretation placed upon them by that official is subject to review by the judicial branch of the government. It is, however, the duty of the chief executive to recommend to the General Assembly, for consideration, the enactment of such laws as he may deem expedient and for the good of the state. This duty I shall discharge in the hope of bringing to your attention, for your careful consideration the enactment of laws that are important and that will add to the peace and well-being of all the people governed by them. Friends should not be rewarded, nor enemies punished, at the expense of good government. We are servants, and not masters, of the people.

The citizens and taxpayers of our state are now living under conditions that have never been heretofore experienced by them. They are appealing to the law-making and law-enforcing arms of the government for help in these times of dire distress. We hear their demands and know their needs, and we must not turn a deaf ear to their entreaties. To paraphrase an old expression, "He, who falters in the discharge of his duty, is a dastard, and he, who fails to discharge it, is damned."

So, gentlemen of the General Assembly of Kentucky, I appeal to you in the interest of over-burdened citizens to put your wits to work and let's all, by a combined effort, do our level best to lighten the load that is weighing so heavily upon the backs of the taxpayers of our beloved state. Sometimes I fear we are paying too much attention to the personnel of men selected to serve in places of trust, and are not giving the consideration we should to the laws under which all must live. It, in fact, makes but little difference to the people who officials may be, but their performances are most important to them.

In making recommendations for measures to be con-

sidered by you, I shall not attempt to force my views upon you but, instead, I hope to enlist your best efforts in bringing about needed reforms that will be beneficial to all the people.

The campaign pledges made in the platform of a victorious party constitute a contract between it and the people—it is the expressed will of the majority—and although it may not be endorsed in its entirety by all, nevertheless it is the duty of all to meet its requirements and to execute it in letter and spirit.

Economy and Reform are the Shibboleth of the Democratic party, and today the taxpayers of Kentucky, whatsoever their political faith may be, are imploring you with outstretched arms to remember this promise, solemnly made in the Democratic platform, and give them relief from the useless and wasteful expenses of government. In their name I ask you to come to their rescue.

I shall not, on this occasion, specifically call to your attention all the laws that, in my opinion, should be amended or enacted at this session of the General Assembly, but it will be my pleasure and purpose to appear before you from time to time and then recommend, for your consideration, other laws that I consider expedient and of vital importance to the people of Kentucky.

The citizens of Kentucky, without regard to party, are demanding that a complete and comprehensive audit of every department and agency of the state government be made by competent accountants for the purpose of ascertaining its true financial status. I believe it to be expedient that this audit should be made in the interest of the taxpayers of Kentucky and I, therefore, most earnestly insist that you enact a law authorizing such an audit to be made of each department, and to provide for the payment of the necessary expenses therefor.

The wise, economic and humane management of the penal and charitable institutions of the state is one of the major

problems that confronts this administration. The unfortunates confined in them are wards of the Commonwealth and must be supported in a sympathetic and humane manner. How this can best be done is a question we must meet and solve in the interest of the state and these unfortunate human beings. I believe the divided responsibility in the management of these institutions results in useless expenditures, inattention to the welfare of the inmates and, altogether, an unbusinesslike method in their government. I also believe that a "laborer is worthy of his hire," and that an unpaid employee, howsoever honest, is in the end the most expensive that one can have. The proper government of these institutions weighs heavily upon my heart and has caused me to spend many sleepless hours.

In my opinion the law creating the Board of Charities and Corrections should be amended, reducing the number upon said board to five, and fixing a reasonable salary that each should receive. The office of commissioner should be abolished and his duties imposed upon the chairman of the board. The board should have stated time to hold its regular meetings and the chairman of the board should be required to maintain an office at the seat of government and be in attendance upon it as required by other state officials.

By this method the cost of necessary employes would be materially reduced, the salary of the commissioner would be saved and the necessary traveling expenses of the commission would be considerably lessened. So under such a law, the total cost of administering these institutions would not be much greater than it is under the present law for their government.

If this law is amended, as I believe it should be, I shall appoint upon this board men and women of known business ability who take an interest in this character of work and who will know something of the best methods as to how such institutions should be conducted. My intense desire is to do something worth while in the government of the charitable and penal institutions of our state.

Then may I ask your most careful consideration of the act that will be introduced embodying the ideas that I have expressed.

The highways and public roads of the state are being used extensively by owners of buses and trucks who are engaged in conducting businesses for hire. I think, in justice to the railroads, that must compete with motor transportation, and to the taxpayers, who must bear the cost of building and maintaining the roads of the state, and to the traveling public, who are subjected to inconveniece and danger by the operation of motor vehicles, laws should be enacted that will more adequately regulate them.

The railroads, which are another means of transportation of persons and property, have to build and maintain their tracks on rights of way provided by them and they have heretofore been one of the greatest sources of revenue to the state. The motor vehicles use the public highways and roads, for business, that are built by the public upon public owned rights of way. They are not adequately regulated and are not taxed justly and equitably for the support and maintenance of government.

All public service concerns should be placed upon equal footing, both as to regulation and taxation.

This recommendation is of such importance as to call for a brief statement of the grounds upon which it is based. The discrimination between the two modes of transportation is unjustifiable and should be remedied. Any injury that is done the railroads by reason of unjust discrimination hurts the whole body politic, especially their numerous employes, the merchants, farmers, mechanics and the industries which furnish them coal, lumber, cement, steel and other materials and supplies. The investors, in their securities, are likewise made to suffer, of whom there are legions in Kentucky. But the public, on its own account, and wholly aside from its relation to the railroads, has a very definite interest, both

financial and personal, in the proposed legislation. It is obvious that the numerous trucks now using the highways are injuring them far beyond the compensation they pay for the privilege; this amounts to a subsidy in their favor paid by the taxpayers. The remedy is: To fix a gross weight limit for each truck and to impose adequate taxes upon those subject to the limit. The weight limit should be high enough so as not to include trucks commonly used by farmers, merchants and others using them in the reasonable conduct of their own business, for the reason they are a part of the traveling public, but provision should be made for permits to them to use heavier trucks in cases of emergency.

The public is interested in reserving the safety of travel and demands better regulations than we now have in limiting the length, width, speed and methods of operating motor vehicles. Our highways have been constructed at a cost of many millions of dollars for the use primarily of the traveling public, and the privilege should not be subjected to undue inconvenience and danger in the new use that our highways are now subjected to.

We do not mean to say that the use of trucks and buses as means of transportation should be prohibited, for certainly they form a very useful part of the transportation system of our state, but the business in which they are engaged must be conducted subject to reasonable regulations demanded by the public interest.

Therefore, I hope that you will carefully consider the bill that will be introduced seeking to carry into effect the views herein expressed.

There are certain boards and commissions that have been heretofore created as governmental agencies of the state government. The members of some of them are appointed, as the law now directs, by the Governor from a list of names furnished him by certain other agencies or commissions. Other commissions, notable the State Highway Commission, are appointed, as the law now directs, by the Governor, Lieu-

tenant-Governor and Attorney General. I believe that as the Governor, being the chief executive officer of the state, is responsible for the administrative acts of his administration, the authority to name all boards and commissions that perform governmental duties should be placed in his hands for appointment.

Therefore, I most respectfully request the General Assembly to give this recommendation due consideration. In making it, I believe it to be expedient and have no ulterior object in view whatever, but only wish to be placed in position to act for the best interests of the state and of my administration.

I have publicly told the taxpayers of Kentucky that I would cheerfully recommend to the Legislature an amendment to the Revenue and Taxation Laws that would authorize an extension of time in which delinquent taxpayers' property would be advertised for sale in payment of taxes. This extension should be until the first day of March, 1932. The time should also be extended until then, in which penalties are to attach by reason of said delinquency in payment. The time in which the sheriff is to make his settlement with the State should also be extended as to all taxes not collected before that date.

This remedial legislation by all means should be enacted in the interest of those whose taxes were not paid on or prior to December 31, 1931.

All public moneys of the State should be deposited in the banks of Kentucky and as widely distributed throughout the State as possible.

This has been made impossible for the reason that many of the banks in the State could not afford to execute the required bond necessary to secure State deposits. I believe that it would be expedient for state funds to be deposited in any bank in Kentucky that desired to be a State depository, provided, the bank deposited with the State Treasurer, as col-

lateral security, State warrants or government bonds to the amount of ten per cent (10%) in excess of any deposit made with it. If such a law were in force, state funds would be secure, the State warrants would advance in price to face value and the money of the State would be subject to use at home. Such a law would aid in relieving depression now prevailing in Kentucky.

The Budget Commission is required to make its report to the General Assembly on the third Monday after the opening of the Session. At that time I shall have something to say to you about the conditions of the state's finances and will then make some further recommendations relative to the curtailment of expenses and the raising of necessary revenue for the support of the State government at that I deem expedient for the welfare of the Taxpayers of Kentucky.

Under the Reapportionment Act of the United States Congress, it becomes necessary to redistrict Kentucky as to Congressional Districts. This is an important matter to the Kentucky Congressmen as well as to the people of the State. This duty should not be permitted to interfere with other more important duties. I believe that all administrative measures, and such other measures intended for the curtailment of the cost of government and of raising revenue, with which to support it, should be enacted as speedily as possible and leave the question of redistricting the State to a certain number of days toward the end of the session, and nothing else. Or, the General Assembly should by joint resolution agree to complete its work within a certain limited time, and then adjourn, with the understanding that a special session will be immediately called to consider redistricting the State as to Congressional Districts.

Because of the deplorable financial condition of the taxpayers of our State, an extra session will not be called that will increase the length of both the regular and special sessions beyond the number of legislative days allowed for holding a regular session. You are thinking and talking in terms of economy; you should set the example of being the first to

practice it. Then you will hear the welcome plaudit "Well Done," when you return to your homes.

I believe that all special appropriations that have been heretofore made, and that now remain in force, should be repealed. Therefore, I most earnestly recommend that this be done in the interest of economy and that a correct budgeting of expenses may be had.

In my opinion there should be no measure enacted at the present session, carrying a special appropriation, unless the act itself provides the means of raising the funds to meet the expenditure.

The assessed value of every character of property within the State, for tax purposes, shows a very marked decrease and, consequently, there will be a corresponding shrinkage in available revenue with which to support the necessary departments of the State government.

With the present prevailing financial condition of the taxpayers of the county, there must be no increase in expenditures of government, unless, it becomes absolutely necessary to maintain its efficiency.

Gentlemen of the General Assembly, my sincere hope is that your stay in Frankfort will be pleasant, that your work while here will result in great good for your State and when you shall have finished your labors and returned to your respective homes that you will find friends and loved ones in health, anxiously awaiting your return, and a constituency pleased and satisfied with what you have done in their behalf.

Senator Brock moved that the Joint Session adjourn.

Said motion was agreed to.

After Joint Session, the Senate reconvened.

Senator Rose moved the privileges of the floor be ex-

tended to E. M. Madden, R. T. Kinnard, W. A. Hillman of Carter County.

Said motion was agreed to.

Senator Flippin moved the privileges of the floor be extended to Mr. R. C. Reed and Mr. Wm. Reed of Somerset.

Said motion was agreed to.

Senator Gates F. Young moved the privileges of the floor be extended to Mr. R. E. Rodgers of Owensboro.

Said motion was agreed to.

Senator Holloway moved the privileges of the floor be extended to Miss M. Hoskins of Winchester.

Said motion was agreed to.

Senator Flippin moved that the Senate do now adjourn.

Said motion was agreed to.

WEDNESDAY, JANUARY 13, 1932

The Senate was called to order by the President of the Senate, Albert B. Chandler, Lieutenant-Governor.

The Senate was opened with prayer by Reverend Joseph E. O'Dwyer of the Good Shepherds Church of Frankfort, Ky.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Dr. T. J. Edge	Perry B. Gaines
W. W. Booles	Thos. C. Ferguson	Arch Hamilton
H. M. Brock	Walter N. Flippin	J. S. W. Holloway
Edwin C. Dawson	Chas. G. Franklin	Robert Humphreys

Wm. Isaacs	D. C. Naive	Thos. O. Turner
Silas Jacobs	Marion F. Pogue	Fred C. VanHoose
L. C. Littrell	Dr. G. W. Ragan	F. M. White
Frank I. Lloyd	O. M. Rogers	Sewell B. Williams
Rev. C. D. McCaw	J. M. Rose	W. A. Yates
C.T.McCormick,Sr.	R. H. Royster	Allie W. Young
Wm. Mehler	Dr. Lewis Ryans	Gates F. Young
E. C. Moore	E. D. Stephenson	
Ray B. Moss	Joe Stewart	—37

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Pogue moved that the privileges of the floor be extended to Dr. McHenry Rhoads for the session.

Said motion was agreed to by majority of members elected.

Senator Turner moved that the privileges of the floor be extended to Mr. Elliott Mitchell of Paducah.

Said request was granted.

Senator Royster moved that the privileges of the floor be extended to Mrs. Allie Hearin of Clay for the balance of the week.

Said request was granted.

Senator J. S. W. Holloway presented to the Senate a petition from sundry citizens of his district petitioning the General Assembly to pass a law regulating automobile mechanics. Said petition reads as follows:

To the State Senators and Representatives from Clark and Bourbon Counties to 1932 *Kentucky Legislature*:

Whereas, Previous Kentucky Legislatures have passed

legislation fixing a standard qualification for lawyers, doctors, dentists, pharmacists, nurses, veterinarians, chiropractors, public accountants and school teachers. which was a benefit to the qualified in these professions and to the public: *We,* the undersigned automobile mechanics request the 1932 Kentucky Legislature to enact a law, creating a registration board to register qualified automobile mechanics and requiring eve repair shop to have one registered mechanic to every helper or apprentice, who is not registered, in addition to being qualified, we urge that every registered mechanic must have been a resident of Kentucky at least six months and have at least four years experience as a mechanic or helper. In the interest of public safety, we also urge that every automobile, truck, bus and taxi be inspected every 2500 miles or 90 days by a registered mechanic, capable of diagnosing and remedying any unsafe condition that may exist.

Respectfully submitted,

L. K. Redman, Paris, Ky., Raymond Wilson, Paris, Ky., D. C. Rice, Paris, Ky., W. M. Doyle, Paris, Ky., Ike Waugh, Paris, Ky., Edgar W. Dodge, Paris, Ky., E. A. Brophy, Paris, Ky., Coleman Williams, Paris, Ky., Howard Doyle, Paris, Ky., C. G. Redmon, Winchester, Ky., J. R. Aldridge, Winchester, Ky., J. P. Caudill, Winchester, Ky., E. L. King, Winchester, Ky., Ernest Jordan, Winchester, Ky., R. C. Murphy, Winchester, Ky., J. D. McAnalten, Winchester, Ky., S. C. Baugh, Winchester, Ky., Clyde Bush, Winchester, Ky., Elkin Hughes, Winchester, Ky., Everett Fraley, Winchester, Ky., R. N. Swetnam, Winchester, Ky., H. L. Blakey, Mt. Sterling, Ky., James S. Stone, Mt. Sterling, Ky., Sidney Stone, Mt. Sterling, Ky., Ran Stone, Mt. Sterling, Ky., W. B. Campbell, Mt. Sterling, Ky., B. L. Daniel, Mt. Sterling, Ky.

Bills of the following titles were introduced, referred and ordered printed, as follows, namely:

By Senator Allie W. Young.

S. B. 1. An Act authorizing, regulating and governing the transportation for compensation of persons and property

by motor vehicles on public highways; giving the Railroad Commission of Kentucky jurisdiction over such transportation, with authority to fix rates and exercise other powers in connection therewith; providing for the payment of taxes and fees incident thereto; prescribing punishment and penalties; and repealing all laws in conflict herewith.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

§ 1. As used in this Act, unless the context otherwise requires:

(a) "Motor vehicle" means any motor propelled vehicle not usually operated over or on rails used for the transportation on the public highways of this State of persons or property for compensation, and shall include any such vehicle operated as a unit in combination with another vehicle used for any such purpose;

(b) "Operator" means any person, firm, partnership, association, joint stock company, corporation, lessee, trustee, or receiver appointed by any court whatsoever owning, controlling, operating or managing any motor vehicle used for the transportation of person or property;

(c) "Common carrier" means the operator of a motor vehicle in common carriage;

(d) "Contract carrier" means any operator of a motor vehicle other than a common carrier. "Contract carrier" shall not be construed to mean or include any person, firm or corporation who transports only his own property, or who does not engage in the transportation business but makes an

occasional casual trip to transport persons or the property of others for compensation; provided, however, it is not intended that there be excluded from the definition of "contract carrier" any operator of a motor vehicle who engages in the business of transporting property which, prior to such transportation he had sold, or agreed to sell to another, and who, directly or indirectly, charges or receives from the purchaser or consignee any compensation for the transportation or delivery of such property;

(e) "Public highway" means every public street, alley, road or highway in this State, whether within or without the corporate limits of any municipality;

(f) "Commission" means the railroad Commission of this State;

(g) "Certificate" means the certificate of public convenience and necessity authorized to be issued under the provisions of this Act;

(h) "Permit" means the permit to operate authorized to be issued under the provisions of this Act.

§ 2. The Commission is authorized to conduct any investigation, inquiry or hearing which it deems proper in connection with the performance of its duties hereunder, and same may be conducted by or before any one of the Commission; and any decision or order made pursuant thereto shall, if approved and confirmed by the Commission as shown by its records, be deemed for all purposes the decision or order of the Commission.

§ 3. The Commission may appoint such auditors, inspectors, and other employes, and upon such terms and conditions as the Commission may deem advisable to carry out the provisions of this Act; and each Commissioner, its secretary and others in its employ shall be paid his actual and necessary traveling expenses while engaged in the discharge of his duties.

ARTICLE II.

§ 1 No common carrier shall operate any motor vehicle for the transportation of persons or property on any public highway in this State without having obtained a certificate from the Commission.

§ 2. Every application for a certificate shall be made in such form and contain such matters as the Commission may prescribe, and shall be made under oath, signed by the applicant; or, if the applicant be not a person, then by a person having knowledge of the matters therein set forth and duly designated for that purpose by the applicant.

§ 3. Upon the filing of any such application and the payment of the fee hereinafter prescribed, the Commission shall, within a reasonable time, fix the time and place for a hearing thereof. A written notice of such hearing, and of the right to file a protest in accordance with the Commission's requirements, shall be mailed by the Secretary of the Commission at least ten (10) days before the hearing of such application, to the applicant, to all common carriers (including steam and electric railway companies) serving any part of the route to be served by the applicant, to the Chairman of the State Highway Commission, to the county attorney and county judge of each county in which the applicant proposes to render service, and to any other person, firm or corporation who may, in the opinion of the Commission be interested in or affected by the issuance of said certificate.

§ 4. At the time fixed in such notice, or at such time thereafter as the Commission may determine, a public hearing upon said application shall be held by the Commission. Any person, firm or corporation having an interest in the subject matter shall have the right, in accordance with the rules and regulations prescribed therefor by the Commission, to file a protest to the granting, in whole or in part, of said application, to make representations, and to introduce evidence in support of said protest.

§ 5. After such hearing the Commission shall have the power to issue to the applicant a certificate, in the form to be prescribed by the Commission, declaring that the public convenience and necessity require the operation for which application is made, or refuse to issue the same, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by such certificate such terms and conditions as, in its judgment, the public convenience and interest may require; provided, however, if no protest to the granting of the certificate be filed with the Commission prior to the date fixed for the hearing, and if the Commission is satisfied that the privilege sought by the applicant is convenient and necessary in the public interest, the certificate may be granted without a public hearing.

§ 6. In granting or refusing to grant such certificate, the Commission shall take into consideration the effect that the proposed operation may have upon public transportation business and facilities of every character within the territory sought to be served by the applicant, the public need for the service the applicant proposes to render, the ability of the applicant efficiently to perform the service for which authority is requested, and the effect upon the highways and upon the safety of the public using such highways that will probably result from the granting of such application.

§ 7. No such certificate shall be issued until after the applicant has established to the satisfaction of the Commission, after considering the matters mentioned in the preceding paragraph, that the privilege sought by the applicant is convenient and necessary in the public interest.

§ 8. When any application for a certificate has been heard and denied, the Commission shall not entertain another application covering the same or similar routes, schedules and/or service until the expiration of six months from the date of such denial.

§ 9. Any holder of a certificate of convenience and necessity issued by the Commissioner of Motor Transporta-

tion and in force at the time this Act becomes effective, who has complied with the requirements of the law now in force and the orders of the said Commissioner, may surrender said certificate within thirty (30) days from the time this Act becomes effective, and thereupon the Commission shall issue a certificate under this Act. The holder shall be given credit in the payment of fees and taxes required under this Act for the unearned portion of the fees paid for the old certificate.

§ 10. The Commission shall have the power and authority, by general order or otherwise, to prescribe rules and regulations governing all common carriers; it shall have authority to fix or approve the rates, fares, charges, classifications, rules and regulations of each such common carrier, to regulate operating schedules so as to insure adequate and convenient transportation service, to prescribe a uniform system and classification of accounts to be used, to require the filing of annual and other reports, and to supervise and regulate such common carriers in all other matters in which the public interest is involved.

§ 11. No common carrier shall abandon or change any route or service without an order of the Commission that public convenience and necessity permit such abandonment or change. Applications for any such abandonment or change shall be made in accordance with the requirements of the Commission, and the procedure on an application for an abandonment or change of route shall be the same as herein provided for the issuance of a certificate; provided, however, if it becomes necessary on account of the condition of the roads or other emergency, temporary changes in route, service and schedules may be made.

§ 12. Every rate demanded or received by any common carrier shall be just and reasonable.

§ 13. Every common carrier shall furnish adequate, efficient, safe and reasonable service.

§ 14. Under such rules and regulations as the Commis-

sion may prescribe, every common carrier shall maintain on file with the Commission a schedule of the rates, fares, charges and classifications, if any, and a time schedule, if any, of all motor vehicles operated under the authority of the Commission, and shall keep open for public inspection at designated offices so much of said schedules, rates, fares, charges and classifications, as well as time schedules, as the Commission may deem necessary for public information.

§ 15. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges specified in its tariffs and classifications filed with and approved by the Commission and in effect at the time; nor shall any company refund or remit in any manner or by any device any portion of the rates, fares or charges so specified; nor make or give any unreasonable preference or advantage to any person; nor subject any person to any unreasonable prejudice or discrimination.

§ 16. Unless the Commission otherwise orders, no common carrier shall make any change in any rate which has been duly established under this Act, except after thirty days' notice to the Commission, which notice shall plainly state the changes proposed to be made in the rates then in force and the time when the changed rates will go into effect. Such carrier shall also give such notice of the proposed changes to other interested persons, and in such manner as the Commission, in its discretion, may direct. All proposed changes shall be shown by filing new schedules or shall be plainly indicated on schedules filed and in force at the time and kept open for public inspection. The Commission, for good cause shown, may allow changes in rates without requiring the thirty days' notice under such conditions as it may prescribe. All such changes shall be immediately indicated upon its schedules by such carrier.

Whenever there is filed with the Commission any

schedule stating a new rate or rates, the Commission may, either upon complaint or upon its own initiative upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate or rates, and, pending such hearing and decision thereof, the Commission may suspend the operation of such rate or rates for a period of not to exceed six months. If after such hearing the Commission finds any such rate or rates to be unjust, unreasonable or unjustly discriminatory, or in any wise in violation of the law, the Commission shall determine the just and reasonable rate or rates to be charged and shall fix the same by order.

§ 17. If the Commission, after a hearing held after reasonable notice upon its own motion or upon complaint, finds any existing rate or rates to be excessive, unreasonable or unjustly discriminatory, or the services rendered or the facilities employed by any common carrier to be unsafe, inadequate, inconvenient or in any wise in violation of law or the rules and regulations of the Commission, the Commission may determine the just, reasonable and sufficient rates to be charged thereafter, or the reasonable, safe, convenient and adequate service to be thereafter furnished, and shall fix the same by order.

§ 18. Section 201c, subsections 1 to 12 inclusive, of Carroll's Kentucky Statutes, relating to free passes by common carriers, shall, in so far as it is pertinent, apply to common carriers as that term is used in this Act.

ARTICLE III.

§ 1. It is hereby declared that the business of contract carriers is affected with the public interest, and that the safety and welfare of the public, the maintenance of the public highways, and the integrity of the regulation of common carriers require the regulation of contract carriers to the extent hereinafter provided.

§ 2. No contract carrier shall operate any motor vehicle for the transportation of persons or property on any public

highway in this State without having obtained a permit from the Commission.

§ 3. Applications for permits shall be made in the manner and form provided for in the Commission's regulations, and the Commission may, if it deems it advisable, require a public hearing to be held thereon, and in this event it shall give written notice thereof to all persons who may, in the opinion of the Commission, be interested in or affected by the issuance of such permit at least ten days prior to the time fixed for such hearing.

§ 4. Upon the payment of fees hereinafter prescribed, the Commission shall have power to issue to the applicant a permit, in the form to be prescribed by the Commission, authorizing the operation for which application is made, provided the applicant has established to the satisfaction of the Commission that the privilege sought will not endanger the safety of the public or interfere with the public's use of the highways or impair the condition or maintenance of such highways.

§ 5. Every contract carrier is hereby forbidden to give or cause any undue or unreasonable advantage or preference to those whom he serves as compared with the patrons of any common carrier, as that term is used in this Act, or the patrons of any other common carrier, or to subject the patrons of any such common carriers to any undue or unreasonable discrimination or disadvantage, or by unfair competition to destroy or impair the service or business of any common carrier, as that term is used in this Act, or of any other common carrier, or the integrity of the State's regulation of any such service or business; and, to the end that the Commission may enforce these provisions, each such contract carrier shall maintain on file with the Commission a statement of his charges, and of such other matters as the Commission may require.

§ 6. Whenever upon complaint filed with the Commis-

sion or upon the Commission's own motion it may find, after hearing to be conducted in accordance with the Commission's general orders, that any such rate, fare, charge, classification or any other rule or practice of any contract carrier causes any violation of Article III, paragraph 5 of this Act, it shall prescribe the rate, fare, charge, or the maximum or minimum, or maximum and minimum, therefor to be charged and the classification, regulation, or practice therefor to be observed by such contract carrier, in such manner as, in its judgment, will remove such violation.

§ 7. The Commission is further authorized, after such general investigation and hearing as it may deem advisable, to issue, from time to time, such general and special orders regulating and controlling the business of contract carriers, their rates and practices as it may deem reasonably necessary to prevent violations of Article III, paragraph 5 of this Act.

ARTICLE IV.

§ 1. Each application for certificate or permit shall be accompanied by a fee of $25.00, and an additional fee of $5.00 for each motor vehicle which the applicant desires to operate upon the highways of this State. Each fee shall be reduced twenty- five (25%) per cent for each full three months' period which shall have elapsed upon the date of application since the first of the preceding January.

§ 2. Distinguishing plates shall be prescribed and furnished by the Commission for and shall be at all times displayed on each motor vehicle authorized to operate under this Act. For each such plate a fee of fifty (50c) cents shall be paid, and the transfer of such plate from one vehicle to another is prohibited except upon the authority and consent of the Commission.

§ 3. Applications for amendments of certificates or permits may be made as are applications for the original certificates and may be granted in the same manner as provided for certificates.

No certificate or permit may be transferred without the consent of the Commission authorizing such transfer. The Commission is authorized to prescribe the conditions precedent to such transfer and to make any necessary rules and regulations pertaining thereto.

§ 4. No certificate or permit granted under this Act shall be effective after the first day of January of the year could reasonably have been completed without a violation of application made in accordance with the Commission's requirements and upon the payment of the fees prescribed for original applications.

§ 5. No operator of a motor vehicle shall permit such vehicle to be operated upon the highways of this State unless the driver or chauffeur thereof has obtained, and from time to time has renewed, in accordance with the requirements of the Commission, a statement from the Commission certifying that said driver or chauffeur has met the requirements of the Commission with respect to his health, vision, sobriety, intelligence, care, ability and experience as the driver or chauffeur of such motor vehicles. For the issue and for each renewal of each such statement there shall be paid a fee of $2.00. The holder of each such statement shall at all times when operating a motor vehicle have in his possession said statement, and shall wear a badge, to be issued by the Commission, indicating that the holder thereof is a certified driver or chauffeur.

§ 6. The Commission may, for good cause, upon complaint or upon its own motion revoke or suspend any such statement, whereupon it and the badge shall be returned to the Commission.

§ 7. It shall be unlawful for any common carrier, or contract carrier, to require or permit any driver or chauffeur operating a motor vehicle under the provisions of this Act to be or remain continuously on duty for a longer period than twelve hours, and when such driver or chauffeur has been

continuously on duty for twelve hours, he shall have at least eight consecutive hours and given at a place and under for any common carrier, or contract carrier, to require or permit any driver or chauffeur operating a motor vehicle under the provisions of this Act to be or remain on duty for a longer period than sixteen hours in the aggregate in any twenty-four hour period, and after such driver or chauffeur has been on duty sixteen hours in the aggregate in any twenty-four hour period, he shall have at least ten consecutive hours off duty.

The periods of release from duty herein required shall be given at such place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it be for at least three consecutive hours and given at a place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. In case of an unforeseen emergency not resulting from the negligence of the carrier, its agents, servants or employees, the driver or chauffeur may complete his run or tour of duty, if such run or tour of duty, but for the delay caused by such emergency, could reasonably have been completed without a violation of this paragraph. The Commission may require such reports as it may deem necessary for the enforcement of the provisions of this paragraph.

§ 8. No certificate or permit shall be issued until there has been filed with and accepted by the Commission a good and sufficient indemnity bond or insurance policy issued by some surety or indemnity company duly authorized to transact business as such within this State, which shall provide by such terms, conditions and provisions and any such penal sums or maximum amounts as the Commission may deem necessary for the reasonable protection of the patrons of the operator of the motor vehicle and of the public in the collection of damages for which the operator may be liable by reason of the operation of any motor vehicle, and for the protection of the State in the collection from the operator of

any fees, taxes or penalties which may be due under the provisions of this Act; provided, however, that the bond or insurance policy required of a contract carrier or the operator of a motor vehicle engaged solely in interstate commerce shall not be for the protection of the patrons of the motor carrier.

No bond or insurance policy may be cancelled or otherwise terminated at any time prior to its expiration for any reason whatever until there have been filed with the Commission by the surety or indemnity company a notice to such effect at least fifteen days prior to the date of such termination or cancellation. This provision shall be deemed to be a part of every such undertaking, and no other provision thereof, and no agreement between the parties thereto, shall operate to avoid the same. If any such bond or insurance policy shall become inoperative, the authority under the certificate or permit shall cease and be suspended until a bond or insurance policy meeting the requirement of this section shall become effective and filed with the Commission.

§ 9. If the holder of any certificate or permit be a nonresident of this State, he shall, prior to operating any motor vehicle thereunder, comply with Section 3720d of Carroll's Kentucky Statutes relating to the appointment by nonresidents of agents for process, and said section of the statutes shall apply to such holder as fully as if he were required by a law of this State to execute bond or bonds for the performance of his contract made in this State.

§ 10. There shall be paid by every operator of a motor vehicle as a tax for the privilege of using the highways the following rates per mile traveled upon the highways of this State by each motor vehicle operated by him:

(a) On each motor vehicle, used primarily for the transportation of persons, with a capacity of ten (10) persons or less, one (1c) cent, and one (1) additional cent for each additional ten (10) persons or portion thereof for which the motor vehicle has capacity;

(b) On each motor vehicle, used primarily for the transportation of property, which vehicle, when unloaded, weighs two (2) tons or less, one (1c) cent, and one (1) additional cent for each ton or fraction thereof in excess of two (2) tons.

The tax imposed by this paragraph shall in each instance be increased fifty (50%) per cent on each motor vehicle not equipped wholly with pneumatic tires. There shall be added a penalty of one (1%) per cent per month for each month the payment of the tax imposed by this paragraph is in default.

§ 11. The total tax of each operator having a regular schedule between fixed termini or over a regular route shall not, for any month, be less than the amount that would be due at the proper rate if he had operated the distance of the authorized route in accordance with the authorized schedule.

§ 12. In order to ascertain the mileage traveled by motor vehicles subject to this Act, the Commission shall prescribe the records to be kept by each holder of a certificate or permit, and on or before the fifteenth of each month the holder of each certificate or permit shall file with the auditor of this State, in duplicate, a statement, verified under oath by the holder or by a person having knowledge of the facts and duly designated therefor by the holder, showing the mileage traveled by each motor vehicle operated by the holder during the preceding calendar month, and shall at the time of the filing of such report pay the tax reflected by it. Upon the receipt of the tax, the auditor shall certify upon the duplicate copy of the report that the tax has been paid and immediately forward the duplicate so certified to the Commission.

§ 13. The Commission is empowered to prescribe and require the character of appliances which each operator of a motor vehicle shall use in order to establish the correct mileage traveled by such vehicle, and to adopt rules and regulations with respect to the care and inspection of such appliances and reports of the mileage shown by said appliances.

§ 14. Each application, which according to the pro-

visions of this Act must be accompanied by the payment of a fee, shall, together with the prescribed fee, be sent to the State Auditor. Upon the receipt thereof the Auditor shall certify upon the application that the payment of such fee has been made and immediately forwarded the application to the Commission.

§ 15. All fees collected under the provisions of this Act shall be reappropriated to the Commission to be used for carrying out the provisions of the Act, any balance of said fees to go to the State Road Fund; and if the fees are insufficient for the purpose stated, the amount necessary to make up such shortage shall be paid out of the mileage tax collected under this Act, and all the remaining mileage taxes shall be paid into the State Road Fund for use in the construction and maintenance of the public highways.

§ 16. The Commission may, in its discretion, require any operator of a motor vehicle operating such vehicle within this State to keep within this State, subject to inspection at all reasonable times by said Commission, or its agent, such books of account or records as may be reasonably necessary to enable the Commission to obtain full information at all times regarding the amounts due from such operator under the provisions of this Act.

The books and records of all common carriers and contract carriers shall be at all times open to inspection by the Commission, by any member thereof, or by any agent appointed for such purpose.

§ 17. The Commission is authorized and directed, after public hearing and by rules and regulations of general application, to limit, in a manner not inconsistent with any law of the State, the gross weight, length, height, width, and speed of motor vehicles, to prohibit the use of trailers or semi-trailers, and to prescribe regulations in the interest of public safety, service and convenience.

§ 18. Upon the completion of any hearing, the Commis-

sion shall render a written report of its finding of facts, conclusions of law, and shall include a statement of such other matters as may be pertinent to the question at issue. This report shall be filed with the records of the proceeding and a copy thereof shall be immediately sent to all those who have become parties to the proceeding.

§ 19. When any application for a certificate or permit has been refused, the applicant shall have the right to appeal, or if the application is granted any person who has filed a protest to the granting of such application, shall have the right to appeal as hereinafter provided. The appellant shall, within twenty (20) days after the rendition of the order of the Commission file a petition of appeal with the Clerk of the Circuit Court of Franklin County. Such petition shall state completely the grounds upon which the review is sought, assign all errors relied on, and shall be certified by the appellant who shall furnish copies of the petition to all persons becoming a party to the hearing before the Commission. The summons shall be issued upon the petition, directing the adverse party or parties to file answer within fifteen (15) days after service thereof, and directing the Commission to certify its complete record to the court; or, in lieu thereof, and if consented to by the appellant and adverse party, an abstract of the record may be prepared.

§ 20. No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act and affecting the order, ruling or award, but the court shall otherwise hear the case upon the record or abstract thereof as certified by the Commission, and shall dispose of the case in summary manner, its review being limited to determining whether or not:

1. The Commission acted without or in excess of its power;

2. The order, decision or award was procured by fraud;

3. The order, decision or award is in conformity to the provisions of the Act;

4. The finding of facts in issue is supported by any substantial evidence.

§ 21. The Commission and each party shall have the right to appear in such review proceedings. The court shall enter judgment, confirming, modifying or setting aside the order, decision or award, or, in its discretion, remanding the case to the Commission for proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing of facts, remand the cause to the Commission. Either party may appeal from the decision of the Circuit Court to the Court of Appeals. Such appeals to the Court of Appeals shall have precedence of other cases pending.

§ 22. Whenever any common carrier or contract carrier is found to be violating the provisions of this Act, or any of the rules and regulations prescribed by the Commission, or any of the laws of the State of Kentucky touching on such carriers' operation upon the public highways of this State, the Commission may upon complaint or upon its own motion issue its order to the said carrier notifying him to appear before the Commission at a fixed time and place, at which time and place the Commission shall investigate such violations, and if it shall be satisfied, after a hearing, that said carrier has violated or refused to observe such laws, rules or regulations, the Commission may suspend, revoke, alter or amend any certificate or permit issued to such carrier, but the holder shall have the right of appeal as hereinbefore provided.

§ 23. Every device to evade, or to prevent the application of, any provision of this Act, or any lawful order, rule or regulation of the Commission is hereby forbidden and declared to be unlawful.

§ 24. Every common carrier and contract carrier, every

officer, agent or employee of any such carrier, and every other person who violates any provision of this Act, or who fails to obey any lawful order, rule, regulation or requirement of the Commission, or who causes, aids or abets any violation of this Act, or any violation of any lawful order, rule, regulation or requirement of the Commission, or who shall knowingly make any false or erroneous statement or representation to the Commission, or who willfully makes any false entry in the accounts or records required by the Commission to be kept by him, or willfully destroys, mutilates or by any other means willfully falsifies such accounts or records, or willfully neglects or fails to make full, true and correct entries of all facts and transactions appertaining thereto as required by the Commission, shall be deemed guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred ($500.00) dollars, or by imprisonment in the county jail not exceeding one (1) year, or both such fine and imprisonment. Prosecution may be had in the circuit court of any county in which the offense or any part thereof shall have occurred

§ 25. Any common carrier, contract carrier or any other person, firm or corporation may, at the instance of the Commission, or of any person having an interest in the subject matter, be enjoined by the courts of this State from any violation of the provision of this Act, or of any order, rule, regulation or requirement of the Commission.

§ 26. Upon the request of the Commission, it shall be the duty of the Attorney General, or of the Commonwealth or county attorneys, within their respective districts, to represent, without additional compensation, the Commission in any action in which the Commission may be a party.

§ 27. There shall be exempted from the provisions of this Act:

1. Motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school, provided such vehicle is operated by, or the

compensation for such transportation is paid by, a school district;

2. Motor vehicles operating exclusively within the limits of a city or incorporated town or within ten miles of such limits, if it be a city of the first, second, third or fourth class, or within five miles of the limits thereof if it be a town of the fifth or sixth class.

§ 28. Neither this Act nor any part thereof shall apply or be construed to apply to interstate commerce, except in so far as the same may not be in conflict with the provisions of the Constitution of the United States and the Acts of Congress.

§ 29. Each section of this Act and part thereof is independent of every other section and part thereof, and if for any reason any section or part thereof shall for any reason be held to be void or ineffective, such holding shall not affect any other section or part thereof.

§ 30. All laws and parts of laws in conflict with the provisions of this Act or hereby repealed.

By Senator Gaines.

S. B. 2. An Act to amend and re-enact Section 1599a-11 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1599a-11 of the Kentucky Statutes compiled by the Honorable John D. Carroll, be amended and re-enacted,

so that said Section as amended and re-enacted shall read as follows:

The State Board of Embalming may, upon sufficient proof of the violation of any of the provisions of this Act, or of the violation by an embalmer or undertaker of any rule or regulation prescribed by the said board for the preparation, embalming, shipping, or burial of any dead human body or management of funerals, or any embalmer or undertaker who shall procure, or assist another in procuring registration either as an embalmer or undertaker for himself or another, by making or causing to be made any false representations as to the character or qualifications of any such applicant, or any embalmer or undertaker who shall be convicted of a felony, or who is proven to be an addict to habit-forming drugs, or who is a habitual drunkard, revoke the license of the person so offending, after due notice to the offender and a full and fair hearing of the charges against him.

By Senator Littrell.

S. B. 3. An Act to amend and re-enact Section 199A of Carroll's (1930) Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 Session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky," entitled, "An Act to amend Section 2 of an Act entitled, 'An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky,' " which Act became a law March 24, 1906, without the approval of the Governor.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 143 of the Acts of the General Assembly

of the Commonwealth of Kentucky, enacted at the 1906 Session thereof, as amended by Chapter 72 of the 1908 Acts, be amended and re-enacted so that the same when so re-enacted shall read as follows:

§ 1. The term "Burial Associations" within the meaning of this Act, shall mean and include all persons, individuals, firms, partnerships, co-operative and other kind of societies, corporations and organizations of every kind, which, in the consideration of the payment of dues, fees, assessments or premiums, shall issue any kind of agreement, policy, contract, bond, assurance or guarantee, or have in effect any by-law under which the insured is to be provided, in case of death, with a funeral or funeral expenses.

§ 2. It shall be unlawful for any association as herein defined, to issue or cause to be issued, any agreement, policy, contract, bond, assurance or guarantee, or have any by-laws which shall provide for the payment of any funeral benefit in merchandise or services, but all payments of benefits thereunder must be made in money.

§ 3. Every Burial Association, as herein described, shall, before commencing such business, or further continuing therein, execute articles of incorporation as now required by law, and file same in the office of the Insurance Commissioner of this State; but before same shall be filed, it shall be referred to, and examined by, the Attorney General, and if found by him to be conformable to the requirements of law and not inconsistent with the laws of this State, he shall certify accordingly and return same with his certificates of such conformity, to the Insurance Commissioner, who shall cause said articles, with the certificate of the Attorney General, to be recorded in a book to be kept for that purpose, and shall deliver to such associations certified copies of papers so filed and recorded in his office, and all certificates of the Attorney General, together with license of said Associations, to engage in the business proposed in said declaration, upon such certified copy and license being filed in the office of the Clerk of

the county wherein the association is to be located, said corporators and those who may become associated with them, or their successors, shall constitute a body, politic or corporate, and lawfully entitled to commence business.

§ 4. Each Burial Association, as defined in this Act, shall deposit with the Treasurer of the Commonwealth, securities to the amount of not less than One Hundred Thousand ($100,000.00) Dollars, to be held by the said Treasurer for the benefit of the policyholders of the Burial Association making such deposit. Such securities shall be of the nature and kind in which domestic life insurance companies are allowed by law to invest their capital, but such associations shall have, at all times, on approval of the Insurance Commissioner, the right to exchange any part of such securities for other of like amount or character.

When any Burial Association shall discontinue business or when for any cause a dissolution shall be decreed, or when for sixty (60) days any judgment shall remain unsatisfied, a Circuit Judge in any county wherein said Burial Association has transacted business, may appoint a receiver to distribute its assets among its policyholders for any persons having claims against said association, the same to be applied first, on accrued or natural claims, certificates or policies; second, on claims of any other kind or character; third, in the payment to members or policyholders of all dues paid in by them, and if a balance remains after payment of the above named claims, then such sum is to be returned to said Burial Association.

§ 5. Such Burial Association, desiring to do business in this State, shall file with the Insurance Commissioner like power of attorney as is now required of Insurance companies, designating the Insurance Commissioner as proper person upon whom process may be served.

§ 6. All such Burial Associations doing business contemplated by this Act, shall pay an annual license tax of one

hundred ($100.00) dollars to the State of Kentucky; such tax to be paid through the insurance department, as license tax is now paid by insurance companies; and in addition thereto such associations shall pay the same fees as assessment life insurance companies are now required to pay to organize in this State.

§ 7. All such Burial Associations shall, on or before the first day of March in each year, make and file with the Insurance Commissioner report of the affairs and operations during the year ending December thirty-first immediately preceding. Such reports shall be upon blank forms furnished by the commissioner and shall be verified under oath by the authorized officers of such associations, and report shall be published, or substance thereof, in the annual report of the Insurance Commissioner, and shall report the number of outstanding policies, bonds and certificates, also the number of matured policies, bonds and certificates, and shall also report to said commissioner all other information connected with their business as said commissioner may require. Said commissioner shall have the right to make any examination of the books or affairs of such associations as is now given by law to the Insurance Commissioner in the examination of insurance companies in this State.

§ 8. If upon examination of such associations by the commissioner or any person designated by him to make such examination, it shall appear that the liabilities of said association exceed its resources, and it cannot in a reasonable time, not more than three months from the date of the original default, pay its accrued indebtedness in full, he shall report the facts to the Attorney General, who shall, upon the commissioner's report, apply to the Judge of the Franklin Circuit Court, or to the Judge of the Circuit Court of the county wherein such association is located, for an order closing the business of the association, and appointing a receiver for the distribution of its assets among creditors. No such final order shall be made until the association shall have ten days' notice of the application and an opportunity to be heard. And upon hearing the matter, the court shall have power to make any

order which the interest of the association and the public may require.

§ 9. All policies, certificates or bonds hereafter issued to persons within the Commonwealth, by Associations transacting business under this law, which policies or certificates contain any reference to the application of the insured or the Constitution, by-laws or other rules of the association, either as forming a part of the policy or contract between the parties thereto or having any bearing on said contract, shall contain or have attached to said policy or certificate a correct copy of the application as signed by the applicant, and the portions of the constitution, by-laws or other rules referred to, and unless so attached and accompany the policy, no such application, constitution, by-laws or other rules shall be received as evidence in any controversy between the parties to or interested in said policy or certificate, and shall not be considered a part of the policy or contract between such parties.

§ 10. Any Burial Association as herein defined, now in business or hereafter organized, failing to comply with the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars, and each day they shall so engage in business without complying with the provisions of this Act, shall be a separate offense, and the issuance of any agreement, policy, contract, bond, assurance or guarantee, or the enforcement of any by-law in violation of the terms of this Act, shall also be a separate offense, provided, however, that this Act shall not apply to fraternal societies, or fraternal beneficiary societies, nor to assessment, life and accident insurance companies or associations existing or operating under or by virtue of any statute of this State, nor to any society which pays sick or disability benefits and which limits its membership to a particular class of persons or to the employees of a designated person, firm or corporation.

By Senator Ferguson.

S. B. 4. An Act amending Sections 3766e-2, Kentucky

Statutes, Baldwin's Kentucky Statutes Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, and 3766e-9, Kentucky Statutes, Carroll's 1930 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, and Section 9, Chapter 164 of the Acts of the General Assembly of 1928, respectively, and declaring an emergency to exist.

To Committee on National Parks.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3766e-2, Kentucky Statutes, Baldwin's Kentucky Statute Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, be and the same hereby is amended by repealing said section in its entirety, and enacting in lieu thereof the following so that said section as amended shall read as follows:

Said Commission shall be composed of seven (7) members to be appointed by the Governor. Each member of said Commission shall be a citizen and resident of the Commonwealth of Kentucky, and the members of said Commission shall serve for a term of four (4) years, and until their successors are appointed and qualified. The Governor shall make said appointments within ten (10) days from the effective date of this act. If any vacancy or vacancies shall occur in said Commission by death, resignation, or otherwise, the same shall be filled for the unexpired term by appointment by the Governor. Before entering upon the discharge of their duties the members of said Commission shall each take and subscribe to the constitutional oath of office, which oath shall be filed in the office of the Secretary of State. The members of said Commission shall meet as soon as practicable after their appointment and qualification and organize by electing one member of said Commission as Chairman, another as Vice Chairman, a Secretary and a Treasurer, and such other

officers, clerical help and assistants as they deem necessary may be appointed by said Commission. Said Commission shall also adopt by-laws to govern its procedure.

§ 2. That Section 3766e-9, Kentucky Statutes, Carroll's 1930 Edition being Section 9, Chapter 164 of the Acts of the General Assembly of 1928, be and the same hereby is amended by repealing said section in its entirety, and enacting in lieu thereof the following so that said section as amended shall read as follows:

Upon request of the Commission, it shall be the duty of the Attorney General to act in his official capacity for and on behalf of the Commission in any matter or proceeding wherein his services may be necessary, and to furnish the Commission his written advice and opinion touching any matter in which the Commission, as such, may be properly interested. Provided, however, that the Commission shall have the right and it hereby is authorized and empowered to employ such special counsel, employees, and assistants as it may deem necessary to efficiently discharge the duties imposed upon it by law, and it hereby is authorized and empowered to fix the salary or compensation of each person so employed.

§ 3. If any section, clause, or provision of this act shall be held to be invalid or unconstitutional, such holding shall not affect any other section, clause, or provision, it being the intention of the General Assembly in enacting this act to enact each section and each provision separately, and if any provision or section contained in any part of this act shall be held invalid or unconstitutional, it is hereby declared that the remaining portion of said section and of said act would have been enacted without such invalid or unconstitutional provision.

§ 4. *Whereas,* on May 25, 1926, the President of the United States approved an act of Congress providing for the establishment of a National Park in Kentucky, the conditions precedent of which have not been fully met or performed by the Commonwealth of Kentucky, and,

Whereas, great benefits to the Commonwealth of Kentucky will result from the prompt compliance with said conditions precedent and the establishment of a National Park in Kentucky, and in order that the Governor may select and appoint, without outside interference or restrictions, a Commission under the terms of this act for the better promotion and earlier compliance with and full performance of said conditions precedent, and all of the premises considered, it is hereby declared that an emergency exists and this act shall take effect immediately upon its passage and approval by the Governor.

By Senator Pogue.

S. B. 5. An Act relating to roads and bridges and establishing as a part of the State Primary Highway System a road leading from Smithland, Livingston County, Kentucky, to Madisonville, Kentucky, to be known hereafter, as the Ruby Laffoon Trail and designating same, as State Project No. —.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Smithland, Livingston County, Kentucky, via, Tiline, Dycusburg Ferry on Cumberland River; thence via Frances, and Mexico over State Project No.—, to State Highway No. 91, at Cliffie McClure's; thence over Highway No. 91, to Marion; thence over State Project No.—, to Shady Grove, Crittenden County; thence across Tradewater River to Providence, Webster County, connecting with Federal Highway No. 41; thence with said Federal Highway to Madisonville, Hopkins County, Kentucky.

§ 2. Said road shall be designated as Project No.—.

§ 3. This road shall hereafter be known as the Ruby Laffoon Trail, in honor of the present Governor of Kentucky.

By Senator Silas Jacobs.

S. B. 6. An Act to repeal Section 3 of Chapter 170 of the Acts of the General Assembly of 1930 relating to Embalming.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3 of Chapter 170 of the Acts of the General Assembly of 1930 be and the same is hereby repealed.

By Senator Dawson.

S. B. 7. An Act to repeal and re-enact Section 929 Kentucky Statutes, Baldwin's 1930 Revision of Carroll's Kentucky Statutes, in relation to the appointment, qualifications, terms, vacancies, removal for cause, of County Treasurer.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 929 Kentucky Statutes, Baldwin's 1930 Revision of Carroll's Kentucky Statutes, in relation to the appointment, qualifications, terms, vacancies, removal for cause, of County Treasurer, be, and the same is hereby repealed and re-enacted so as to read as follows:

Said officer shall be appointed by the Fiscal Court of the County, said appointment to be made on the first day of the

regular April Term, 1933, of said Court, held for said County, and on said day every four years thereafter, a majority of said Court being present, and a majority of all of the members of said Court shall be necessary to appoint; if, for any cause, said appointment is not made on that day, it shall be the duty of the County Judge to call the members of said Court together for that purpose on a day to be fixed by order entered of record on the order book of the court not exceeding two weeks thereafter.

In the event that any County has no Treasurer, or there is a vacancy in said office before the April term of the Fiscal Court, 1933, and there is an election held by the Fiscal Court of any county to fill said office, said officer shall be elected to fill the office until the April term of the Fiscal Court, 1933, or until his successor is elected and qualified. No person shall be appointed county treasurer, unless, at the time of his appointment, he is a citizen of Kentucky, has attained the age of twenty-five years, and has been for four years next preceding his appointment a resident of the county for which he is chosen. But no member of the Fiscal Court shall be appointed county treasurer. He shall hold his office for the term of four years from the first day of the regular April term of the Fiscal Court at which he is appointed, and until his successor is appointed and qualified. Before entering upon his duties as such treasurer, he shall take the oath of office prescribed by Section 228 of the Constitution, before the fiscal court, and execute the bond hereinafter required to be executed by him. The Fiscal Court may remove said officer from the office at any time for cause. In case of a vacancy in said office, from any cause whatever, it shall be the duty of the county judge to call the members of the fiscal court together, and hold a special term thereof to fill a vacancy. In case of failure or refusal of the county judge to perform any of the duties herein required of him, any three of the members of said court shall convene the court, elect one of their body to preside, and appoint a treasurer in the manner herein provided.

By Senator Pogue.

S. B. 8. An Act to repeal, amend and re-enact Section 2 of Chapter 127 of the Acts of the General Assembly of 1928, now Section 422-b-3 Carroll's Kentucky Statutes. Baldwin's Revision of 1930, relating to tax on gasoline as defined in said Act, providing for the construction, repair and maintenance of Rural Route Roads and Star Route Roads, and empowering the County Highway Commission or any County authorities authorized to build roads to receive funds and construct, repair and maintain Rural Mail Roads and Star Route Roads.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Common wealth of Kentucky:

§ 1. That Section 2 of the Chapter 127 of the Acts of the General Assembly of 1928, now Section 422-b-3 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930, be and the same is hereby repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:

Section 2. (a) All taxes collected under the provision of this Act shall be paid into the State Treasury, and 80% of said sum shall be used only for the purpose of construction, reconstruction, maintenance and repair of roads, highways and bridges. The remaining 20% of said fund shall be used only for the construction, reconstruction, maintenance and repair of Rural Mail Roads and Star Route Roads and Bridges, and shall be divided among Counties in the State according to the mileage of Rural Post Roads in the County and the County Highway Commission or any County Authorities authorized to build roads in each County is empowered to receive said 20% of said funds from the State Treasurer, and to pay same out on equitable basis for construction, reconstruction, maintenance and repair of Rural Mail Roads and Star Route Roads and Bridges, other than the roads being built and maintained by State Highway Commission.

§ 2. All money turned over to Counties under Section 1 of this Act is to be expended under the direction and supervision of the State Highway Commission.

By Senator Humphreys.

S. B. 9. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said Board.

To Committee on Veteran's Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Disabled Ex-Service Men's Board, created by Act approved February 27, 1922, and recreated by Acts of the General Assembly approved March 21, 1924, February 24, 1926, February 16, 1928, and March 11, 1930, be continued in existence for an additional period of two (2) years for the purpose of assisting ex-service men and women of the World War and their dependents, and veterans of other wars and their dependents who are residents of Kentucky, and who are or may be entitled to aid from the United States Government pursuant to federal legislation for the benefit of veterans and their dependents, in preparing and presenting their said claims to the proper federal agencies and authorities and in securing and expediting action thereon; to relieve and prevent congestion and delay in the proper consideration, rating and final adjudication of said claims and to, as far as possible, cause every disabled veteran and the dependents of every disabled veteran to receive promptly and

regularly the maximum relief and benefits to which they are entitled under the federal law.

§ 2. Said Kentucky Disabled Ex-Service Men's Board shall, during the time for which its existence is extended by Section 1 of this Act, be composed of three (3) members: One of whom shall be the Lieutenant-Governor of Kentucky, ex-officio, another of whom shall be the State Commander of the American Legion, Department of Kentucky, ex-officio, and the third member shall be elected annually by these two members. The members of the Board shall serve without salary or compensation, but they shall be paid their actual and necessary traveling expenses while in the discharge of their official duties.

§ 3. The words, "veterans" and "ex-service men and women," as used in this Act, include any individual who served on active duty in the army, navy or marine corps of the United States and who has received an honorable discharge from such service.

§ 4. Said Kentucky Disabled Ex-Service Men's Board shall elect a Secretary and such assistants as may be found necessary whose duties shall be to prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Bureau and United States Bureau of Pensions, Veterans' Administration and other federal agencies, and to secure and expedite action on said claims; to keep in contact with the United States Veterans' Administration so that the status of any claims may be known at any time; to continue a survey of the State to make certain that no disabled man or his dependents are neglected, and to perform such other duties as the Board may direct. The secretary and such assistants as may be authorized shall be paid a salary fixed by the Board and shall be paid actual and necessary traveling expenses while engaged in the performance of duties as the Board may direct.

§ 5. For the purpose of carrying out the provisions of

this Act, there is hereby appropriated out of State funds, not otherwise appropriated, to the Kentucky Disabled Ex-Service Men's Board, the sum of twenty thousand ($20,000.00) dollars per year for two (2) years. The Board shall keep an accurate and detailed account of all receipts and disbursements, and its books shall be subject to examination and audit by the State Inspector and Examiner. Any part of the fund unused at the expiration of the period for which the Board is created shall be turned back to the general State fund.

§ 6. The Kentucky Disabled Ex-Service Men's Board shall have the power to expend such reasonable sums as may be necessary to employ clerical and stenographic assistants, who shall be paid their actual and necessary traveling expenses while engaged in the performance of their duties and to establish and maintain offices.

§ 7. The Kentucky Disabled Ex-Service Men's Board shall cease to exist on July 1, 1934.

§ 8. All laws and parts of laws inconsistent herewith are hereby repealed.

§ 9. There being many thousand of disabled ex-service men who have not received the benefits of federal legislation to which they are entitled because of lack of knowledge of the federal law as amended and the United States Veterans' Administration regulations and procedure, and other remedial causes, and it being considered that if this Board ceases to function, the disabled ex-service men will not receive the information, assistance, and benefits to which they are entitled, an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval as required by law.

By Senator Moore.

S. B. 10. An Act to amend and re-enact Section 4148 of the Kentucky Statutes, John D. Carroll's edition, 1930, re-

lating to revenue and taxation, when due, interest and penalty.

To Committee on Revenue and Taxation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4148 of the Kentucky Statutes, John D. Carroll's edition, 1930, relating to revenue and taxation, when due, interest and penalty, be and the same is hereby amended and re-enacted so as to read as follows, to-wit:

Section 4148. Taxes when due; interest and penalty. All state, county and district taxes, except as otherwise especially provided, shall be due and payable on and after the first day of March after the assessment, and all taxpayers whose taxes are not paid on the thirty-first day of December after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent (6%) per annum from the thirty-first day of December after they are due until paid, and any person or persons failing to pay their taxes by the thirty-first day of December in the year following the assessment for such taxes, shall pay a penalty of six per cent (6%) additional on the taxes due and unpaid. Provided, however, every taxpayer shall be given until the first day of February following to pay his taxes without the payment of any interest or penalty who shall take and subscribe to an oath before he becomes delinquent that he does not, and will not prior to the first day of January following, have available money with which to pay his taxes. The oath herein provided for shall be incorporated in the face of the tax receipt, and the sheriff or any authorized tax collector is authorized to, and shall, administer said oath without charge upon application of any taxpayer. Any taxpayer failing to take and subscribe to the oath on his individual tax receipt on or before the thirty-first day of December after his taxes become due shall not be en-

titled to the extension of time herein provided for. Providing any taxpayer who pays his or her or its state, county or district taxes on or before September 1, after same becomes due in any year shall be entitled to 2% discount thereon, and the collector, in case of all such payments will allow such reduction and give a receipt in full to the taxpayer. The sheriff or collector whose duty it is to collect or receive the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

By Senator Humphreys.

S. B. 11. An Act to define oleomargarine and to prescribe regulations to govern the manufacture, storage and sale thereof; to provide for the issuance of license to the manufacturers and venders thereof on payment of fees therefor and for revocation of such license for violations of this Act; to provide a privilege tax on sales of oleomargarine; to provide for appointment by the Commissioner of Agriculture of Deputies to aid in the carrying out of the provisions of this Act and prescribing their duties and fixing and providing for the payment of their compensation; to appropriate Twelve Thousand, Five Hundred ($12,500.00) Dollars annually for the enforcement of this act; declaring a violation of this Act to be a misdemeanor and providing punishment therefor; and authorizing the Commissioner of Agriculture to make rules and regulations to carry into effect this Act.

To Committee on Agriculture and State Fair.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term "person" as used in this Act shall include individuals, firms, partnerships, associations, societies, cooperative associations and corporations both foreign

and domestic; the term "Commissioner" refers to the State Commissioner of Agriculture.

§ 2. That for the purpose of this Act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as Oleomargerine, namely: All substances heretofore known as oleomargerine, oleo, oleomargerine oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish or fish oil, palm oil, vegetable oil, annetto and other coloring matter, intestinal fat, and offal fat if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water or other liquid, and containing moisture in excess of one per centum, or salt in any quantity whatsoever. This section shall not apply (1) to puff pastry, shortening not churned or emulsified in milk or cream, and having a melting point of one hundred and eighteen degrees Fahrenheit or more, nor (2) to any of the following containing condiments and spices: salad dressing, mayonnaise dressing, or mayonnaise products, nor (3) to pharmaceutical preparations.

§ 3. That whoever, in person or by agent, sells, exposes for sale, or has in his possession with intent to sell, oleomargerine as defined in Section 2 of this Act, shall have the word "Oleomargerine" branded upon the top, sides and bottom of every tub, firkin, box or package containing any of said articles, in plain Gothic letters or not less than twenty point type. This brand must cover a space of not less than three and one-eighth inches in length on each panel, and shall be printed in a conspicuous color, which forms a strong contrast with the color of the package; and whoever, in person or by agent, exposes or offers for sale any oleomargerine not in the original package, shall attach to said article, in a conspicuous place, a label bearing the word "Oleomargerine" as provided for above and in cases of retail sales of any said article, substances or compound from bulk, tub or other container, the seller shall, in person or by agent, attach to each package so

sold and delivered therewith to the purchasers, a label or wrapper bearing in a conspicuous place upon the outside of the package, the word "Oleomargerine" printed in plain Gothic letters of not less than twenty point type.

§ 4. That no person, by himself or his agent or servant, shall manufacture, sell, offer for sale, expose for sale, or have in his possession, with intent to sell, any article, compound or product, made wholly or partly out of any fat, oil or oleaginous substances or compound thereof, not produced directly and at the time of manufacture, from unadulterated milk or cream from the same, which shall be in imitation of butter, produced from pure unadulterated milk, cream, or the combination of same. Provided that nothing in this Act shall be construed to prohibit the manufacture or sale of eleomargerine, as defined in Section 2 of the Act, in a separate and distinct form, and in such manner as prescribed in said Section.

§ 5. That every person desiring to manufacture, sell or offer for sale, or have in possession with intent to sell oleomargerine as defined in Section 2 of this Act, shall make application for a license to do so, which shall be in such form as shall be prescribed by the Commissioner or through his duly appointed agent, said application shall be furnished by the Commissioner in such form with such information thereon as may be deemed necessary or expedient for the fulfillment of the provision of this act, such application shall contain accurate description of the place where the proposed business is intended to be carried on, the name, style of firm and such other information as may be prescribed to conduct the said business, such license shall be furnished to the firm, person, manufacturer, or retailer and the Commissioner shall issue such license properly signed and certified to, charging the following fees: manufacturer's license five dollars ($5.00); jobber's license three dollars ($3.00); retail merchant's license two dollars ($2.00), said license to be for the period of one year; after obtaining the license required by this Section the person obtaining the same shall, before beginning any business granted under the said license, hang up and display

in a conspicuous place, on the walls of the room, store, or factory in which oleomargerine is offered or exposed for sale, the license so obtained as aforesaid; and shall also procure from the Commissioner a sign, or signs, which in number, size and lettering shall be uniform throughout the State, clearly setting forth that he is engaged in the manufacture, or sale of oleomargerine.

§ 6. That any person operating a restaurant, lunch-counter, boarding-house, or other place where food is served to the public using and serving oleomargerine shall have cards opposite the table or tables or other places where guests are served, such signs as may be required by the Commissioner which shall have printed thereon "Oleomargerine Used Here," and where menu cards are used the words "Oleomargerine Used Here" shall appear in type in a conspicuous place thereon in as large letters as appear on the menu card, and provided further that any person operating any above named public place serving food shall make application to the Commissioner as required in Section 5 of this Act and shall pay the following license fee: three dollars ($3.00) for each hotel, two dollars ($2.00) for each restaurant, cafe, lunch-counter, pie wagon, club, or any other place where food is served to the public, and one dollar ($1.00) for each boarding-house; upon the issuance of such license, the licensee or agent of such place or places shall keep constantly posted the license as herein granted under the provisions of this Section.

§ 7. That the Commissioner shall have authority to revoke any license issued under this Act for the repeated non-observance by licensee of the provisions of this Act, or because licensee's place of business is in an unduly unsanitary condition; provided, however, that five days' written notice, specifying the complaint may be given licensee to appear before the Commissioner and show cause why such license should not be revoked. If after the revocation of such license the licensee should comply with the requirements of the laws and make manifest in writing their intention to observe them in the future, the Commissioner may issue to them another license upon their paying the required fee therefor.

§ 8. That no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of oleomargerine as defined in Section 2 of this Act, the words "Butterine," "Creamery," or "Dairy" or the representation of a cow of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry, except only the labeling requirements described in Section 3 of this Act; no person shall efface, erase, cancel or remove any mark, statement, label or stamp required by this Act with intent to mislead, deceive or with intent to violate any of the provisions of this Act.

§ 9. That no State, county, municipal or other institution supported in whole or in part by public funds, shall furnish to its inmates, patrons, or employees, or use in the preparation of their food any oleomargerine or other similar substitutes for butter as defined in Section 2 of this Act.

§ 10. That there is hereby levied a tax to the amount of ten cents per pound on all oleomargerine sold in the State as defined in Section 2 of this Act, such tax to be in the form of a STAMP in such denominations as will best carry out the provisions of this Section, said STAMPS shall be properly safeguarded as to their manufacture, preservation, and distribution, and shall be in custody and charge of the Commissioner, and provided further, that the affixing and cancellation of said Stamps shall be directed by the Commissioner, "This tax to be in addition to the license fees defined in Section 5 and 6 of this Bill and licenses shall be dated January 1st of each year and expire December 31st of the same year."

§ 11. That all revenues, fees and fines collected by the Commissioner under the provisions of this Act shall be paid into the State Treasury as directed by the State Treasurer, being entered as revenues derived from this Act, such forms for reporting such revenue derived herein, the manner of recording accurately all sale, stamps, fees and fines, from whom received, post office address and date of receipt of same which shall be of record in the office of the Commissioner.

§ 12. That the Commissioner is hereby authorized to appoint such deputies not to exceed three at a salary not in excess of eighteen hundred dollars ($1,800.00) per annum, as in his judgment may be necessary to carry out the provisions of this Act, and that in the performance of their official duties the Commissioner and his deputies are hereby authorized and empowered to enter during business hours for the purpose of executing the provisions of this Act, all places of business that may come under the provisions of this Act. The duties of the deputies in the enforcement of this Act shall be the same as those of the Commissioner except those powers given the Commissioner in Sections 5, 6, 7, 10, 12, 15, of this Act, and they are hereby authorized and empowered with the same authority and power as the Commissioner.

§ 13. That there is hereby appropriated the sum of twelve thousand five hundred dollars ($12,500.00) annually out of the public treasury of the State, not otherwise appropriated, for the enforcement of this Act, provided however, that the revenue derived from the provisions of this Act shall equal the amount above specified and in no event to exceed the total amount collected.

§ 14. That to facilitate the inspection of oleomargerine as prescribed in this Act, all manufacturers, jobbers, and wholesalers making shipments into or within the State are hereby required to forward to the Commissioner on forms to be furnished by the said Department and on date of shipment, notification of the amount of such oleomargerine together with the car number and/or transportation company, the name and address of the consignees, together with the brand or brands making up such shipment.

§ 15. That the Commissioner is hereby empowered to promulgate such rules and regulations as are consistent with the provisions of this Act, provided, however, that when requested by any person interested, the Commissioner shall furnish copies of all proposed rules and regulations at least ten days before such rules and regulations become effective so that the person may be heard thereon.

§ 16. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) and for each subsequent offense be fined not less than twenty-five dollars ($25.00), or be imprisoned in the county jail for not more than twelve months nor less than sixty days, or shall suffer both fine and imprisonment.

§ 17. That it shall be the duty of prosecuting attorneys, to whom the Commissioner shall report any violations of the provisions of this Act, to investigate such report, and if it appears that there has been a violation to institute and prosecute proceedings against such delinquent person.

§ 18. That if any section, sub-section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, sub-section clause, or provision of this Act.

§ 19. That the regulations of the manufacturers and labeling of oleomargarine required in this Act shall be in addition to such other provisions of law regulating the manufacture of oleomargarine and the labeling of food stuffs as already exist.

§ 20. On account of present conditions an emergency is declared to exist and this Act shall take effect immediately upon and after its passage.

By Senator Holloway.

S. B. 12. An Act to amend Section 1730, Carroll's Kentucky Statutes, providing for the fees of Jailers in the counties of this Commonwealth.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1730, Chapter 47, Kentucky Statutes, be, and the same is, hereby amended by striking from sub-section 4 after the word "Court," "one (1.00) dollar" and inserting in lieu thereof "seventy-five ($0.75) cents;" and said section when so amended shall read as follows:

Section 1730. Fees allowed to jailers. The fees of the jailers shall be as follows:

For attending County and Quarterly Courts, to be paid out of the county levy, per day, not exceeding two ($2.00) dollars.

For furnishing fuel and lights to County and Quarterly Courts, a reasonable compensation, not exceeding two ($2.00) dollars per day, to be paid out of the county levy.

For putting a prisoner in irons, for an offense other than a felony, or contempt, besides the cost of irons, to be paid out of county levy, fifty (50c) cents.

For keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court, seventy-five (75c) cents per day, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for the violation of a statute where the city or town gets the benefit of the fine; in that case to be paid by such city or town; provided, that in counties having within their boundaries cities of the first class, the charge for keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court, shall be one ($1.00) dollar per day, to be paid out of the county levy, unless confined for

a breach of the by-laws or ordinances of a city or town, or for the violation of a statute where the city or town gets the benefit of the fine; in that case to be paid by such city or town.

For imprisoning and releasing a prisoner charged with a misdemeanor, sixty (60c) cents, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for violation of statute, where the city or town gets the benefit of the fine; in that case to be paid by such city or town. And for imprisoning and releasing a prisoner charged with a felony, sixty (60c) cents, to be paid out of the state treasury. For all other services performed by him the same fees as paid sheriffs.

By Senator Rogers.

S. B. 13. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the Government of Cities of the second class of the Commonwealth of Kentucky," approved February 12, 1930.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 20 of Chapter 91 of the 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the government of cities of the second class of the Commonwealth of Kentucky", to be amended and re-enacted so that the same, when amended and re-enacted, shall read as follows, to-wit:

"Sec. 20. The board of commissioners shall, upon written advice of the City Manager, create, by ordinance, such administrative departments as, in the judgment of the board,

are reasonably required for the efficient, orderly and economic administration of the business affairs of the city; and may at any time create new departments, combine or abolish existing departments, except insofar as they relate to the police and fire departments of the city, or establish temporary departments; and may also prescribe by ordinance the functions of each department and provide for the appointment or employment of a director of such, or of one or more of such departments. Directors of departments shall be appointed by the city manager and may be removed by him at any time; except that this provision shall in no way apply to members of the police or fire departments of said city. Any person employed in any department, except in the police and fire departments, may be removed at any time by the director of such department or by the city manager, subject to such civil service rules and regulations as may be deemed necessary for the efficient and non-political handling of city affairs.

The commissioners shall have full control over the police and fire departments of the city together with all the property and paraphernalia belonging thereto and are empowered to ordain and put into execution such by-laws, rules and regulations for the government of each of said departments as may be deemed expedient; to prescribe the qualifications of the members and officers of each department; to appoint a chief of police and all policemen; a chief of the fire department and all subordinates; to prescribe their duties and to grade the officers of each department and prescribe their several duties.

The commissioners shall require all applicants for appointment as members of the police force or fire department to be examined as to their qualifications to fill the office of policeman or fireman, and as to their knowledge of the English language and as to the law and rules governing the duties of policemen or firemen. Each member of the police force or fire department shall be a qualified voter of the city in which he is appointed and be able to read and write and understand the English language, and to have such other qualifications as may be prescribed.

No person shall be appointed a member or officer of the police force or fire department unless he is well known to be a man of sobriety and integrity and has been, or is an orderly, law abiding citizen, nor shall any person be appointed a member or officer of said force or fire department on account of any political partisan service rendered by him, or on account of political sentiment or affiliations, or who is over fifty years of age, nor shall any officer or member of said force or fire department be removed or discharged or reduced in grade, or in pay, for any political partisan opinion. Their appointment and continuance upon the police force and fire department shall depend solely upon their ability and willingness to enforce the law, and comply with the rules of the police or fire department. No appointment to or continuance in any such position shall be as a reward for political activity, nor be obtained by political service or contribution to campaign funds, nor shall any member of said departments pay or collect any assessments made by political organizations, or contribute to political campaign funds or be unduly active in politics, or work for the election of candidates for office. The examination and qualifications provided for in this act shall not apply to the members of the police force or fire department at this time, who have been continuously in said service for a period of five years. Members of the police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of this act shall not prevent the board from decreasing the number of firemen and policemen as the said board may from time to time deem proper, and provided, further, that in the event the board decreases the number of firemen or policemen, the youngest members in point of service in said police or fire departments shall be the first to be reduced and returned to the eligible list of either police or fire departments, there to advance according to the rules and regulations of said departments.

No member or officer of the police force or fire department shall be removed from the force or fire department, reduced in grade, or pay, upon any reason except inefficiency, misconduct, insubordination or violation of law or of the rules

adopted by the commissioners. Any person may prefer charges against an officer or member of the police force or fire department, which must be filed in the office of the mayor, who shall thereupon communicate said charges without delay to the other members of the said board. Said charges must be written, signed by the person making said charges, and must set out with clearness and distinctness each and every charge. It shall also be the duty of the mayor, whenever probable cause appears, to prefer charges against any member or officer of the police force or fire department, whom he believes to have been guilty of any conduct justifying his removal or punishment in the interest of public order. The charges filed by the mayor shall be written, and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issues so presented. All charges against members or officers of the police force or fire department shall be forthwith filed by the mayor with the clerk of said board, and within three days after said filing, the commissioners, shall proceed to hear and examine said charges; provided two days before said hearing the officer or member of the police force or fire department accused has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused, may, however, in writing, waive the service of said charges, and demand trial within three days after said charges are filed with the clerk of said board. The board will have the power to summon and compel the attendance of witnesses at all hearings, or sittings, by said board upon subpeona, issued by the clerk of said board and served upon said witnesses by any officer authorized to serve subpeonas from any court of justice in the county, and said board shall have the power of a justice of the peace, to punish for contempt. The officer or member of the police force or fire department accused shall have the right to have subpoenaed in his behalf any witness he may desire, upon furnishing their names to the clerk of said board, and the action and decision of the board on

said charges shall be reduced to writing and shall be entered in a book to be kept for that purpose, and the written charges filed in the matter shall be preserved and securely attached to the book containing the board's decision.

In cases where the mayor has probable cause to believe that the officer or member of the police force or fire department has been guilty of any conduct justifying removal or punishment he may suspend said officer or member from duty, or from both pay and duty, pending said trial, and said officer or member shall not be placed on duty, or allowed pay thereafter, until the charges are heard by the board. The board shall fix punishment against an officer or member of the police force or fire department found guilty of any charge under this statute by a reprimand or suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if the accused be an officer, or by combining any two or more of said punishments, or by removal or dismissal from the service of any such officer or member of the force or fire department. No officer or member of the police force or fire department, except as provided in this act, shall be reprimanded, removed, suspended or dismissed from the police or fire department until written charges have been made or preferred against him, and a trial had as herein provided.

Any officer or member of the police force or fire department who shall be found guilty by the board of any charge, as hereinabove provided, shall have the right to appeal to the circuit court of the county in which said board may be located, provided the punishment be a suspension of more than 30 days, or a reducing the grade of an officer or a removal or dismissal from the police force or fire department, but the enforcement of the judgment of said board under such charge shall not be suspended pending said appeal. Upon the request of the party accused, the clerk of the board shall file in the circuit court, a certified copy of the charges made, and of the judgment or finding of the board, which transcript having been filed, the cause shall be docketed in the circuit court and tried de novo by the judge of said court. Should the clerk of

said board fail to certify and transmit the transcript aforesaid to the circuit court within five days after the request is made for same, then the party aggrieved may file an affidavit in the said circuit court, setting out as fully as possible the charges made, the time of trial by said court, and the judgment of said board, together with the statements of the fact that demand for transcript had been made upon the clerk of said board more than five days before the filing of said affidavit.

Upon the filing of said affidavit in the circuit court said cause shall be docketed in said court and the circuit court is hereby authorized to compel the filing of said transcript by sail clerk, by entering the proper mandatory orders, and by fine and imprisonment, as in other cases of contempt. Such appeal shall have precedence over other business, and be taken up and determined speedily. An appeal will lie from the judgment of the circuit court to the court of appeals, as in other cases, provided the punishment fixed by the board be suspension for more than sixty days, reducing the grade of an officer, removal or dismissal from the force.

The board of commissioners are expressly charged with the duty of having the chiefs and the members of the police and fire departments faithfully discharge such duties as may be imposed by law or prescribed by ordinance.

The number of firemen, policemen, detectives and officers of the police and fire departments shall be such as the general council or commissioners, where the commission form of government prevails, may from time to time, ordain; and the said general council or commissioners shall by ordinance, fix the salaries of the officers and employees and provide for their payment, and the payment of other expenses, of each of said departments.

§ 2. This Act shall in no manner affect, alter or change the provisions of Sections 3142-b-3, 3142-b-4, 3142-b-5, 3142-b-6, 3142-b-7, 3142-b-8, 3142-b-9, 3142-b-10, 3142-b-11,

3142-b-12, 3142-b-13, 3142-b-14, 3142-b-15, 3142-b-16, 3142-b-17, 3142-b-18 and 3142-b-19 of the 1930 Edition of Carroll's Kentucky Statutes, as amended by Chapter 96 of the 1930 Acts of the General Assembly of Kentucky.

§ 3. Whereas, this Act is necessary to protect the existing rights of all of the police and firemen in cities of the second class in the State of Kentucky and to protect their rights in the pension funds which now exist, an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

§ 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

By Senator Flippin.

S. B. 14. An Act to repeal Section 1697, Carroll's Kentucky Statutes 1930 and enacting in its stead an act fixing the exemptions from execution attachment distress or fee bill of persons with a family resident in this Commonwealth.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1697, Carroll's Edition, Kentucky Statutes 1930, be and the same is hereby repealed, and there is enacted in its stead the following:

There shall be exempt from execution, attachment, distress or fee-bill to persons with a family resident in this Commonwealth, the sum in cash of $750.00 or its equivalent in personal property; all wearing apparel; all family portraits and pictures; all the salary, wages or income earned by labor

of every person earning a salary, wages or income of $75.00 or less per month; of the salary, wages or income earned by labor, of every person earning a salary, wages or income in excess of $75.00 per month, $75.00 per month and no more shall be exempt. Provided, that these exemptions shall only apply in actions brought upon contracts entered into after the effective date of this act, and no provision of this law shall be construed to make it retroactive in effect.

§ 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

By Senator McCormick, Sr.

S. B. 15. An Act to permit parties to legally stipulate to pay attorney's fees in bills of exchange, notes and other written contracts.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act it shall be legal for parties to stipulate in any note, bill of exchange, or other written contract for the payment of an attorney's fee in case of default, and in the event the same is actually placed in the hands of a practicing attorney at law for collection.

S. B. 16. An Act to amend Section 2740, Kentucky Statutes by Carroll, Official 1930 Edition, also Chapter 89 of the Acts of the General Assembly of Kentucky of 1930, relating to classifications of the cities and towns of the State so as to change the city of Greenville, Muhlenberg County, from a city of the fifth class to a city of the fourth class, be and the same are hereby amended as follows:

To Committee on Classification of Cities and Towns.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2740, Kentucky Statutes by Carroll, Official Edition 1930, also Chapter 108, Acts of 1930, and Chapter 82, Acts of 1924 of the General Assembly of Kentucky be amended by striking from the list of cities of the fifth class the words, "Greenville, Muhlenberg County," and adding the same words to the list of cities of the fourth class so that when amended said section shall read as follows:

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County; Ashland, Boyd County.

Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Maysville, Mason County; Corbin, Whitley County and Knox County.

Fourth Class—Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Franklin, Simpson County; Barbourville, Knox County; Providence, Webster County;

Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Murray, Calloway County; Jackson, Breathitt County; Elizabethtown, Hardin County; Hazard, Perry County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter County; Irvine, Estill County; Marion, Crittenden County; Clifton, Campbell County; Fort Thomas, Campbell County; Russell, Greenup County; Harlan, Harlan County; Paintsville, Johnson County; Sturgis, Union County; Prestonsburg, Floyd County; Greenville, Muhlenberg County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand River, Livingston County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Vanceburg, Lewis County; Elkton, Todd County; Falmouth, Pendleton County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Beattyville, Lee County; Owenton, Owen County; Burnside, Pulaski County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Hustonville, Lincoln County; Drakesboro, Muhlenberg County; Tompkinsville, Monroe County; Hellier, Pike County; Perryville, Boyle County; Wilmore, Jessamine County; Greenup, Greenup County; Horse Cave, Hart County; Brooksville, Bracken County; Whitesburg, Letcher County; Columbia, Adair County; Elkhorn City, Pike County; Manchester, Clay County; Beaver Dam, Ohio County; Ravenna, Estill County; Louisa, Law-

rence County; Burkesville, Cumberland County; London, Laurel County; Cumberland, Harlan County; Grayson, Carter County; Neon, Letcher County; Raceland, Greenup County. (1930, c. 108; 1926, c. 141.)

§ 2. Whereas, it is necessary for the assigned city mentioned herein to make its tax levy for this year under the charter of the town to which it has been assigned, an emergency is hereby declared to exist and this act shall take effect and be in full force and effect from and after its passage, and approval by the Governor.

All acts or parts of acts inconsistent herewith are hereby repealed.

By Senator Stephenson.

S. B. 17. An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending sections nine hundred and twenty-nine (929), nine hundred and thirty-four (934) of Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 153 of the Acts of 1920, Session of the General Assembly of the Commonwealth of Kentucky, nine hundred and thirty-five (935), and eighteen hundred and thirty-eight (1838), Kentucky Statutes, 1930, Carroll's Edition; and repealing sections nine hundred and thirty-eight (938), Kentucky Statutes, 1930, Carroll's Edition, and section eighteen hundred and forty A (1840A), Kentucky Statutes, 1930, Carroll's Edition; as amended by section one of chapter 67 of Acts of 1916, Session of General Assembly of Commonwealth of Kentucky, providing for the compensation of county treasurer, and the designating by the fiscal court of depositories for county funds and the fixing of interest rates to be charged by the county;

and providing for penalties for the violation of any of the provisions of this Act.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal affairs of each county of the Commonwealth of Kentucky shall be administered by the fiscal court under a uniform budget system. The county budget shall provide for all the funds to be expended by the county from current revenue for each fiscal year.

All funds of the county provided by bond issues shall be appropriated and accounted for under the provisions of this act.

§2. There is hereby created in each county of the Commonwealth of Kentucky a county budget commission. The county budget commission shall be composed of the county judge, who by virtue of his office shall be chairman of the commission, and two members to be appointed by the county judge, by an order entered on the county court order book. The county treasurer shall by virtue of his office be the secretary of said commission. The appointive members of the county budget commission shall be at least thirty years of age, citizens, residents and taxpayers of the county. The budget commissioners first appointed under this act shall hold their respective offices until the first Monday in January, 1934, and their successors shall be appointed by the county judge and shall hold their respective offices for a term of four years from and after the first Monday in January, 1934, and until their successors shall have been appointed and qualified. The appointive members of the county budget commission shall take the oath of office as required by law for other county officials before entering upon the discharge of their official

duties. A vacancy on said commission by resignation, removal from the county, or otherwise, shall be filled by the county judge. The appointive members of the county budget commission shall serve without compensation, and the county judge and county treasurer shall not be allowed any additional compensation for their services as members of said commission.

The county judge shall have the right to remove from office an appointive member of the county budget commission at any time for cause.

§ 3. In the classification of county expenditures each separate activity of the county for which county funds from current revenue are to be expended by the fiscal court shall be construed to constitute a separate budget unit. If any budget unit includes more than one class of expenditures, the said budget unit shall be subdivided into budget funds so that the cost of each separate class of expenditures of the county can be ascertained. The funds set apart in the county budget for a budget unit, or any subdivision thereof, shall be construed to constitute a separate budget fund, and shall be appropriated and accounted for separately.

It shall be the duty of the state budget commission to furnish to each county budget commission the form of a properly drawn county budget provided for under the provisions of this act; and the form of the county budget so furnished each of the county budget commissioners shall be uniform. The budget commission of the state is given the power and authority to approve all county budgets as to form and arrangement of budget unit, and all subdivisions thereof. This authority is vested in the state budget commission for the sole and exclusive purpose of establishing and maintaining in each county of the Commonwealth of Kentucky a uniform budget system, so that the costs of each separate activity of county government can be ascertained for the information of the people of the state.

The county budget shall have a fund to be known as the

"General Expense Fund" out of which the emergency expenses of the county can be paid. If the county has a bonded indebtedness, the county budget shall have a fund to be known as the "Sinking Fund" out of which the bonded indebtedness, including interest thereon, shall be paid. The county budget shall have a fund to be known as the "Interest Fund" for the payment of the interest on all interest-bearing county warrants and notes.

§ 4. If any county has a floating indebtedness evidenced by county warrants or contracts of the county, the county budget shall provide a fund to be known as the "Sinking Fund to Pay Floating Indebtedness," and said indebtedness shall be paid off and discharged from said fund.

§ 5. The county budget commission in the preparation of the county budget shall use the form of the county budget furnished to them by the State budget commission, and the county budget commission shall have no power or authority to make any changes in the form of the county budget so furnished to them by the State budget commission or the arrangements of any budget units or subdivision thereof.

The county budget commission may adjourn from time to time until the county budget has been completed, and may hold such hearings as they may deem necessary in the preparation of the county budget. Their preparation of the county budget, however, being limited to proposing to the fiscal court the sums of money to be expended by the county under the county budget for the ensuing fiscal year.

The county budget commission shall also, as a part of their duties, prepare for the fiscal court an itemized county tax levy to raise each separate budget fund provided for in the county budget prepared by them, which shall be filed with the clerk of the county court at the time the proposed county budget is filed.

The county budget commission shall also prepare and

file at the time provided for filing the proposed county budget an itemized tax levy, a written statement explaining their reasons for proposing the adoption of the budget funds provided in the county budget, together with all data and records considered by them showing the resources of the county and its needs in the preparation of the county budget, for the information of the fiscal court in consideration of the county budget and county levy.

The county budget commission shall file the proposed county budget and itemized county levy with the clerk of the county court not less than fifteen nor more than ten days before the time fixed for making the county levy and adopting a county budget.

§ 6. The county court clerk shall immediately upon the filing in his office of the proposed county budget by the county budget commission transmit an attested copy thereof to the State budget commission for its approval as to form, and if the proposed county budget be approved in form by the State budget commission it shall so advise the county court clerk that the proposed budget is in proper form; and if upon an examination of the proposed county budget the State budget commission finds that the same is not in the proper form, it shall arrange the county budget as to form and transmit same to the county court clerk of the county from which the county budget was received.

§ 7. The fiscal court of the county shall meet at the time fixed for the adoption of the county levy and county budget. The fiscal court shall consider the county budget and itemized county levy proposed by the county budget commission. At this meeting the fiscal court shall hold such hearings as it may deem proper in determining the financial resources of the county and its needs, and may require the members of the county budget commission to appear before them for explanation of budget funds provided in the proposed county budget, and it shall be the duty of the members of the county budget commission if called upon by the fiscal court to make such

explanation of budget funds and the reasons for providing for the same and give the fiscal court all the information they have as to the financial resources of the county and the reason for the expenditure by the county of the funds provided in the proposed county budget. The fiscal court shall also hear protests or suggestions any taxpayer of the county may desire to make with reference to the county budget.

The fiscal court shall adopt a county budget providing a budget fund for each separate activity of the county. The fiscal court may adopt the county budget as proposed by the county budget commission or they may add to or deduct from the budget funds provided for therein at their discretion, and may eliminate a budget fund or funds, or they may provide for other budget funds to provide for other activities of the county not included in the proposed county budget. The fiscal court shall have no power or authority to make any change in the form of the budget or any budget unit or subdivision thereof. The county budget adopted by the fiscal court shall be in the form as approved by the State budget commission.

The county budget as adopted by the fiscal court shall provide for all funds to be expended by the county from the current revenue for the fiscal year for which the county budget is adopted, and any appropriation by the fiscal court in excess of any budget fund shall be null and void, and shall be construed to be a violation of the provisions of this Act by each member of the fiscal court so voting for said illegal appropriation.

§ 8. The fiscal court in allowing claims shall designate in the order making the appropriation the budget fund from which the claim is to be paid, and shall by said order direct the clerk of the county court to issue a warrant for same to the person to whom the appropriation is made, payable out of the budget fund named in the order of appropriation.

§ 9. The fiscal court shall have power and authority to transfer money from one budget fund to another. A copy of the order making said transfer shall be certified by the county

court clerk to the county treasurer and he shall make the proper adjustments on his budget ledger making the transfer of budget funds as provided for in said order.

Provided, however, this provision shall not apply to sinking funds or special funds raised for a specific purpose until the obligation or purposes for which said funds were raised have been satisfied. At the close of each fiscal year the fiscal court shall use any surplus funds remaining in any budget fund, except in sinking or special funds, to pay deficits in any budget fund or funds.

All deficits remaining in any budget fund, after the surplus has been applied thereto, shall be carried over into the next fiscal year and provided for in the county budget for the next fiscal year. The deficits referred to in this section shall be construed to be a deficit in a budget fund or funds caused by the failure of current revenue to raise the budget fund or funds in which said deficit may occur.

§ 10. The fiscal court shall in its discretion enter orders making appropriations out of the budget fund set apart to pay interest on interest-bearing county warrants and notes as may be required to meet interest charges against county obligations as they accrue. Said orders of appropriation shall direct the clerk of the county court to issue county warrants to pay interest as it accrues on interest-bearing county warrants and notes on the certificate of the county treasurer setting forth the amount of interest to be paid on said obligation of the county.

§ 11. The county court clerk of each county of the Commonwealth shall keep in his office a record of the fiscal court to be known as the "Fiscal Court Claim Book."

All persons, firms or corporations having claims against the county, except claims for interest or principal on bonded indebtedness of the county, expenses incurred in holding regular or primary elections, including pay of election officers,

salaries and claims of county officials, per diem of members of the fiscal court and claims growing out of written contracts of the county and claims under force account work, contracted by and performed under the direction and supervision of the county road engineer, as provided by law, after due advertisement for bids on any work, and no bids have been received or all bids have been rejected by the fiscal court, shall make proof of their said claims against the county, attaching thereto or incorporating therein an itemized statement of the claim, and setting forth the consideration the county has received and the manner in which the county is liable for the claim. Said proof of claim shall be signed and sworn to by the person making same, or his or its duly authorized agent. The claim properly proven shall be filed with the county court clerk, and the clerk shall endorse thereon the date of filing and sign said endorsement. The county court clerk shall thereupon list the claim on the "Fiscal Court Claim Book," giving the name of claimant, date of filing and total amount of said claim, and properly index the same. All claims shall be numbered by the clerk consecutively in the order in which they are filed in his office, and the number of the claim shall be listed as a part thereof.

It shall be the duty of the county attorney to attend all meetings of the fiscal court and to file exceptions to any and all claims as presented which are not valid obligations of the county.

§ 12. The county treasurer shall by virtue of his office be the exclusive custodian of all county funds from whatsoever source they may be received. He shall also be the exclusive checking agent of the county and no bank or trust company in which county funds may be deposited shall honor a check on county funds unless the same is signed by the county treasurer in his official capacity. All county funds shall be deposited in the bank in the name of the county, subject to be checked out by the county treasurer.

§ 13. That section nine hundred and thirty-five (935), Kentucky Statutes, 1930, Carroll's Edition, be and the same

is hereby amended and said section as amended shall read as follows:

The books of the county treasurer shall at all times be open to inspection of the fiscal court or any member thereof, and shall be public records and open to inspection at all reasonable times by any taxpayer of the county.

The county treasurer of each county shall keep a set of books of accounts of the financial transactions of the county to be provided for under the provisions of the uniform accounting law of this State providing for uniform accounting in State and county government.

The county treasurer shall keep as a part of his records a book to be known as the "Budget Ledger." The county treasurer shall immediately after the final adoption of the county budget by the fiscal court for the fiscal year credit on the budget ledger to be kept by him each budget fund provided for in the county budget for that fiscal year, and he shall account for each budget fund separately.

The county treasurer shall on the first day of each regular and special meeting of the fiscal court, with the exception of the first meeting thereof, in each fiscal year, file with said fiscal court a financial statement showing the balance in each budget fund as appears from his budget ledger. This financial statement shall be signed by the county treasurer in his official capacity, and said statement shall be recorded by the county court clerk upon the fiscal order book as a part of the proceedings of that term.

§ 14. The county clerk shall immediately after the adjournment of any regular or special term of the fiscal court issue county warrants to cover all appropriations made by the fiscal court to the persons named in said appropriations. The county clerk shall designate in the face of each county warranty the budget fund from which the warrant is payable. At the time the county clerk issues county warrants on appro-

priations made by the fiscal court to pay claims which have been listed in the "Fiscal Court Claim Book" he shall enter on the margin of the claim where the same is listed the date of the county warrant, serial number, to whom issued, and amount thereof in payment of the claim.

A county warrant shall not be construed to have been legally issued until the warrant has been countersigned by the county treasurer as provided for in this Act. After the county clerk has finished issuing warrants as provided for in this section he shall immediately deliver the county warrant book to the county treasurer.

No county warrants shall be issued without a serial number and all serial numbers must be consecutive.

§ 15. The county treasurer shall, upon the delivery to him by the county court clerk of the county warrant book, verify each county warrant issued by the county clerk by checking the county warrant with the claim and appropriations, and if found correct he shall countersign all warrants within the budget fund from which they are payable. If the county treasurer upon an examination of his budget ledger finds that the balance in any budget fund is insufficient to pay any warrant or warrants issued against said budget fund he shall refuse to countersign all such warrants, and shall endorse on the face of each warrant issued by the county clerk in excess of any budget fund out of which it is payable the following: "Void for want of funds," and sign endorsement in his official capacity. The county treasurer shall enter the amount of each warrant countersigned by him as a charge on his budget ledger against the budget fund from which it is payable. In making said entry he shall enter the date of the warrant, serial number, to whom payable and the amount thereof. He shall keep a daily balance of all budget funds on his budget in a column on said budget ledger provided for the purpose of keeping a daily balance.

The signature of the county treasurer on a county warrant shall be construed to be his certificate that the amount

of the warrant is within the budget fund out of which it is payable for the current year, and that the amount of said warrant has been charged on his budget ledger to said budget fund.

§ 16. The county treasurer shall be liable on his official bond for the amount of any county warrant countersigned by him under the provisions of this Act in excess of the budget fund out of which said warrant is payable, and any county warrant so issued and illegally countersigned by the county treasurer shall be null and void as to the county.

§ 17. The county treasurer shall issue his check in payment of all county warrants when presented for payment, if he has the money on hand belonging to the budget fund out of which the county warrants so presented are payable.

If the county treasurer shall have insufficient funds on hand belonging to any budget fund out of which county warrants are payable, at the time the county warrant or warrants are presented for payment, the county treasurer shall fill in the blanks in the following words and figures, which shall be printed on all county warrants in proper place, to-wit: "Due and payable on or before the ..... day of ....., 19....., with interest at ..... per cent per annum from the .....day of ....., 19....., until paid, negotiable and payable at .....of ....., Ky. Subject to be called for payment on notice."

All interest bearing county warrants shall be made payable at the office of the county treasurer or a county depository in the discretion of the county treasurer. All interest-bearing county warrants shall bear interest at not in excess of five per cent (5%) per annum from date said warrant is made interest bearing until paid.

The due date of each interest-bearing county warrant shall be fixed by the county treasurer from his knowledge of the accrual of current revenues for the fiscal year to pay said

warrant, and if to be paid from funds derived from other sources, from his knowledge when said funds may be expected to be received by the county.

§ 18. The county treasurer shall keep in his office a record book to be known as the "Interest Bearing Warrant Record," which shall be provided for under the provisions of the uniform accounting law of the State. The county treasurer shall enter all interest-bearing county warrants upon this record before they are delivered to the persons entitled thereto, and shall be entered upon said record under a heading which shows the budget fund from which the county warrants so entered are payable. The record shall show the date of each county warrant so entered, serial number, amount, and to whom payable, and the due date of the warrant. As interest-bearing warrants are paid by the county treasurer, each county warrant so paid shall be stamped "Paid" thereon with a stamp that cuts holes through the warrant in stamping the word "Paid" thereon; and the county treasurer shall thereupon enter on said record the date of payment of the warrant, to whom paid and the amount paid. He shall stamp "Paid" county warrants paid by him that have not been made interest bearing, the same as interest-bearing county warrants. All paid county warrants shall be filed as a part of the record in his office.

§ 19. All county warrants issued under the provisions of this Act shall be subject to call for payment by the county treasurer when he has sufficient funds on hand in any budget fund to pay outstanding county warrants issued and charged to that budget fund or funds. The county treasurer shall make a call for payment of interest-bearing county warrants by serial number in the order in which they were issued and the call for interest-bearing warrants, in the aggregate, shall not exceed the amount of money on hand in the budget funds from which the warrants are payable. The call of the county treasurer shall be by giving the holders of the warrants written notice of the call or by notice published in a newspaper in the county once a week for a period of two weeks. No

interest-bearing county warrant, so called for payment, shall bear interest after the expiration of ten days after publication of said note, or if said written notice has been given to the holder or holders of said warrants.

§ 20. The county treasurer shall keep in his office a record book to be known as the "Cash Ledger." This record book of the office of the county treasurer shall be provided for under the provisions of the uniform accounting law of the State.

The county treasurer shall upon receiving county revenues from the sheriff or tax collector, or from other sources, distribute the money so received to the proper budget funds on his cash ledger, according to the terms of the budget and the itemized county levy. All checks drawn by the county treasurer in payment of county obligations shall be charged on the cash ledger by the county treasurer to the proper budget fund and a daily balance of cash kept in pencil of each budget fund in a column on said cash ledger providing for said daily balance.

§ 21. The fiscal court of any county of this Commonwealth shall have power and authority to anticipate the revenues of the county for the current fiscal year and borrow money upon the faith thereof to meet the current expenses of the county as they accrue, or to pay off and discharge interest-bearing county warrants becoming due before sufficient revenues have accrued to pay off and discharge said interest-bearing warrants. If the fiscal court of any county elects to borrow money in anticipation of current revenues for the fiscal year under the provisions of this section, the fiscal court shall enter an order or orders upon the order book of said court authorizing the county judge and county treasurer to negotiate said loan or loans, at a rate of interest not in excess of five per cent (5%) per annum, and shall authorize the county judge to execute a note or notes of the county in his official capacity, for the purpose of borrowing said sum or sums which is authorized by the order or orders of the fiscal

court. The note or notes executed by the county shall be negotiable and shall designate the budget fund from which the notes are to be paid. Said notes or notes so issued may be renewed by the county, if there is insufficient money in the budget fund from which the note or notes are payable, when they become due and payable. The county may issue notes against one or more or all budget funds provided in the county budget in the discretion of the fiscal court, in anticipation of revenue for the current year. All notes so issued by the county shall be countersigned by the county treasurer and shall be charged on the budget ledger by the county treasurer against the budget fund from which they are payable and shall be charged in a column on said budget ledger other than a column in which warrants or contracts of the county are charged. All notes of the county issued under this section in excess of the budget fund from which they are payable shall be null and void. The signature of the county treasurer on a note issued under this section shall be to his certificate that the amount of the note is within the budget fund from which it is payable for the current year, and that the amount of the note has been charged against the budget fund out of which it is payable. All notes issued under the provisions of this section shall be made payable to bearer.

The county treasurer shall be liable on his official bond for the amount of any note of the county countersigned by him in excess of the budget fund out of which the said note is payable.

§ 22. All contracts of the county entered into by the fiscal court for the expenditure of county funds provided for in the county budget, shall contain a provision that the contract shall not be deemed an obligation of the county to pay the sums to be expended under the contract until the contract has been submitted to the county treasurer so that he can attach his certificate thereto as provided for under the provisions of this Act. Upon the submission of a contract of the county to the county treasurer he shall determine from his budget ledger whether the sums of money to be expended

under the contract are within the budget fund out of which they are payable. If the county treasurer finds from an examination of his budget ledger that the sum to be expended under the contract is within the budget fund for the current year out of which it is payable, then he shall enter the date of the contract, the name of the contractor and the amount to be expended thereunder as a charge on his budget ledger against the budget fund out of which the money to be expended under the contract is payable and shall thereupon attach his certificate to said contract certifying that the sum to be expended under the contract is within the budget fund for the year out of which it is payable, and that the amount to be expended under the contract has been charged on his budget ledger against said budget fund.

If the budget fund out of which the sum to be expended under the contract be insufficient to pay said sum to be expended under the contract, the county treasurer shall refuse to make said certificate, and shall write across the face of the contract the following words: "Void for want of funds," and sign said endorsement in his official capacity.

§ 23. All contracts of the county entered into by the fiscal court for the expenditure of county funds provided for in the county budget based on a unit cost price fixed in the contract shall contain the estimated cost of the work. Such contracts shall be certified by the county treasurer under the provisions of Section 22 of this Act. All such contracts shall in addition to the provisions required in Section 22 of this Act contain a further provision that the obligation of the county to expend money under the contract shall not be construed to be in excess of the estimated cost set out in the face of the contract. All such contracts shall contain a further optional provision, providing, that in the event the estimated cost of the work is consumed by computing costs of the work under the unit cost price fixed in the contract before the work has been completed, the county has the option to require the contractor to enter into a new contract with it to complete the work at the same unit cost price fixed by the

original contract and under the same terms and conditions of the original contract. Contracts of the county for over runs on work shall be executed under the provisions of this Act.

All contracts of the county provided for under Sections 22 and 23 of this Act shall be null and void unless the certificate of the county treasurer is attached thereto certifying that the sums to be expended are within the budget fund out of which same is payable.

The county treasurer shall be liable on his official bond for the amount of any contract certified by him in excess of the budget fund from which it is payable.

§ 24. All books, receipts, blanks, records, county warrant book, and forms, required to be used by the county treasurer, county court clerk, or other officials in the administration of fiscal affairs of the county under the provisions of this Act, shall be formulated under the provisions of the uniform account law of the Commonwealth, and shall be provided for the officials of the county required to administer the fiscal affairs of the county under this Act, and shall be uniform in each county of the Commonwealth.

It shall be the duty of the State inspector and examiner to install in each county of the Commonwealth a uniform system of accounting and bookkeeping for the administration of the fiscal affairs of the county under the provisions of this Act.

§ 25. That sections nine hundred and thirty-eight (938) and eighteen hundred and forty-A (1840-A), Kentucky Statutes, 1930, Carroll's Edition, as amended by section one of chapter sixty-seven of the Acts of 1916 Session of the General Assembly of Kentucky, be and each of said sections are hereby repealed.

§ 26. That section nine hundred and twenty-nine (929), Kentucky Statutes, 1930, Carroll's Edition, as amended by

chapter one hundred and fifty-three (153) of the Acts of 1920 Session of the General Assembly of the Commonwealth of Kentucky, be and the same is amended, and as amended shall read as follows:

The county treasurer shall be appointed by the fiscal court of the county at the regular April term, one thousand nine hundred and thirteen (1913) of said court held for the county, and at said April term of said court every four years thereafter, and the county treasurer so elected shall hold his office for a term of four years, and until his successor is elected and qualified. A majority of all the members of said fiscal court shall be necessary to select a county treasurer. If for any reason the county treasurer is not selected at the April term as provided for herein, it shall be the duty of the county judge to call said fiscal court to meet immediately after the adjournment of said term on a day to be fixed by order entered on the order book of the court and said meeting shall be held within two weeks after the adjournment of said April term. No person shall be appointed county treasurer unless at the time of his appointment he is a citizen of Kentucky, has attained the age of twenty-five years, and has been for two years next preceding his appointment a resident of the county for which he is appointed. Before entering upon the duties of his office as such county treasurer, he shall take the oath of office required of other county officials according to law before the fiscal court, and execute the bond as required by law for the faithful performance of his duties as county treasurer. The fiscal court may remove said county treasurer at any time for neglect of official duty, incompetency or dishonesty. In case of a vancancy in said office, from any cause whatever, it shall be the duty of the county judge to call the members of the fiscal court together to hold a special term of said court to fill said vacancy.

In case of the failure of the county judge to perform any of the duties required of him in this section he shall be deemed guilty of a violation of the provisions of this Act.

§ 27. That section nine hundred and thirty-four (934),

Kentucky Statutes, 1930, Carroll's Edition, be and the same is hereby amended and as amended shall read as follows:

The county treasurer shall receive for his services the compensation fixed by the fiscal court and said compensation shall be payable monthly. Provided, however, that in counties containing a population of two hundred thousand or more the salary of the county treasurer shall be thirty-six hundred ($3,600.00) dollars per annum to be allowed by the fiscal court; and provided, further, that in counties containing cities of the second and third class the salary of the county treasurer shall not be more than twenty-four hundred ($2,400.00) dollars per annum; and provided, further, that in all other counties of the Commonwealth the salary of the county treasurer shall not be more than two thousand dollars per annum. All such salaries of the county treasurer as fixed by the fiscal court under the provisions of this section shall be allowed by the fiscal court and paid monthly out of county funds.

§ 28. The county treasurer shall, on or before the first day of April after the close of each fiscal year, make off a financial statement as of December 31st of the preceding year, showing in detail receipts and disbursements of county funds, and in said statement account for each budget fund separately. The county treasurer shall file a copy of said statement with the county court clerk of the county and said statement shall be preserved as a part of the records of the county. The county treasurer shall also transmit a copy of said financial statement to the State inspector and examiner of the Commonwealth of Kentucky.

§ 29. That section eighteen hundred and thirty-eight (1838), Kentucky Statutes, 1930, Carroll's Edition, be and the same is amended and as amended shall read as follows:

The fiscal court shall be a court of record and shall hold two regular terms in each year, the first regular term to be held on the first Tuesday of April, and the second regular

term to he held on the first Tuesday of October. The county judge shall have power to call a special term of the fiscal court for the transaction of any business of which the court has jurisdiction. Whenever the necessity exists for a special term, and when the county judge is unable to act, the special term may be called by a majority of the members of the court. The county judge of the county court of any county may, by an order of record, fix a different date for the commencement of said terms; provided, however, that one of said terms shall be held in October. The fiscal court shall remain in session at its regular term until the business of the court is completed.

§ 30. It shall be the duty of the fiscal court of each county of the State at its first meeting after this Act takes effect to enter an order or orders on the fiscal court order book designating one or more banks or trust companies as county depositories for county funds, and the county treasurer shall be required to deposit all county funds in the depositories designated by order of the fiscal court. The fiscal court shall enter into an agreement with said depository or depositories, so designated, for the payment of interest on county deposits, on daily balances, and said interest rates shall not be less than two per cent on daily balances. The depository shall credit interest to the county deposits every four months and shall send deposit slips to the county treasurer showing said credit.

The fiscal court shall require all county depositories to execute to the county good and sufficient bond to pay over and account for all county funds deposited in said depository, which bond shall be taken before the court, signed and acknowledged as required by law, or the depository may place collateral security in lieu of said bond, if the fiscal court is satisfied with the collateral offered in lieu of personal or fidelity bond. All bonds shall be recorded upon the fiscal court order book and properly indexed.

§ 31. Any officer or officers willfully violating any of the provisions of this Act shall be deemed guilty of a mis-

demeanor and subject to indictment, and upon conviction, be fined in any sum not less than fifty ($50.00) dollars, nor more than two hundred ($200.00) dollars, for each offense.

§ 32. The duties required of the county court clerk under the provisions of this Act shall be performed by the clerk of the fiscal court in counties containing cities of the first class.

§ 33. If any section, provision, paragraph or clause of this Act shall be declared unconstitutional, the invalidity of such section, provision, paragraph or clause shall not affect the remaining sections, provisions, paragraphs or clauses of this Act; and it is declared to be the legislative intent to enact each clause, paragraph, provision and section of this Act separately.

§ 34. This Act shall not become effective until the first day of January, 1933.

§ 35. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator McCormick.

S. B. 18. An Act to amend Section 2554-A-2 of Carroll's Kentucky Statutes, 1922 Edition, relating to the penalty and sale, bartering, or giving away of spirituous, vinous, malt or intoxicating liquor, and fixing the penalty for same in case spirituous, vinous, malt or intoxicating liquor is sold, bartered, or given to an infant.

To Committee on Criminal Law.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2554-A-2 of Carroll's Kentucky Statutes, 1922 Edition, relating to the sale, bartering or giving away of

intoxicating liquor, be, and the same is hereby amended by adding to said section immediately following the words "Sixty days," the following words:

"Provided that if the offense charged is that of selling, bartering or giving to another spirituous, vinous, malt or intoxicating liquor, and the purchaser or recipient of said liquor be an INFANT, the defendant or defendants, if a person or persons, shall upon conviction thereof be punished by confinement in the penitentiary for not less than one, nor more than three years," so that said section when so amended shall read as follows:

"On a first conviction for a violation of any provision of this Act, except for a violation of a provision for which a particular penalty is herein provided, the defendant or defendants shall be fined not less than $100, nor more than $300, and if persons, shall in addition, be imprisoned in the county jail for not less than thirty days nor more than sixty days, provided that if the offense charged is that of selling, bartering or giving to another spirituous, vinous, malt or intoxicating liquor, and the purchaser or recipient of said liquor be an infant, the defendant or defendants, if a person or persons, shall upon conviction thereof be punished by confinement in the penitentiary for not less than one nor more than three years."

"Upon the second conviction for a violation of any provision of this Act, except Sections 3, 4, 14, 22, 23, 24, 26, 27, 28, 29, 30, 31, and 33, the defendant or defendants, if person or persons, shall be confined in the penitentiary for not less than one year, nor more than three years, and for a third conviction and each subsequent conviction, the person or persons shall be imprisoned in the penitentiary not less than five years nor more than ten years. If the defendant be a corporation, for the second offense, a fine shall be imposed of not less than one thousand dollars, nor more than five thousand dollars, and for the third and each succeeding offense, a fine shall be imposed in the discretion of the jury, but not less than five thousand dollars."

By Senator Rose.

S. B. 19. An Act authorizing the free use of toll bridges and ferries owned by the State of Kentucky for the use of buses or other vehicles transporting school children. Also exempting from toll pupils traveling on foot.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the use of any and all toll bridges or ferries owned or controlled by the State of Kentucky shall be free of toll or charge to any sub-district, consolidated school district or school unit of any county for the use of buses, trucks, automobiles or any vehicle used to transport the pupils of such school to and from their homes or place of residence to the school house of said district. Provided, that such buses, trucks, automobiles or other vehicles so used must be owned, leased or hired and the cost of same paid by the patrons of such school districts.

§ 2. And that the free use of any toll bridge or ferry owned or controlled by the State of Kentucky shall be given to any and all school pupils traveling on foot to and from school in any sub-district, consolidated school or school unit in any county of Kentucky.

§ 3. Laws in conflict, if any, are hereby repealed.

By Senator Rose.

S. B. 20. An Act to authorize the Governor of the Commonwealth of Kentucky to lengthen or delay the time of payment of taxes, interest on taxes, and to give the proper relief to sheriffs when such delays be granted by the Governor's proclamation.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in case of extreme drought and the failure in whole or in part of crops in the Commonwealth of Kentucky; that in case of continued unemployment due to any and all economic changes; that in case of extreme destruction of property, live stock or crops by wind, rain, lightning, earthquakes or tornadoes or any other act of Providence destructive to the financial interest of the peoples of the State. That in case due to any one or more of the above listed causes financial embarrassment and distress lays a heavy hand upon the taxpayers of the Commonwealth, and wherein the public good, the public happiness and the general welfare of the people of the State can best be served and protected, that the Governor of the Commonwealth of Kentucky be vested with full authority when in his wise and better judgment he be convinced that an extreme emergency exists and extreme financial distress is present among the taxpayers of the State and that relief in the premises would serve the best interest of the taxpayers of Kentucky or any part thereof, then the Governor of the Commonwealth of Kentucky shall by a proclamation extend, delay or lengthen the time for payment on any taxes, penalties or interest, either or both, due to the State or counties, for a period not less than thirty days or more than ninety days at the discretion of the Governor. Said proclamation may apply to one or more counties or to the entire State.

§ 2. The sheriffs of the Commonwealth of Kentucky shall have full relief for any taxes, interest or penalties exacted of them by any law in the event of such proclamation by the Governor of this Commonwealth.

§ 3. All laws in conflict are hereby repealed to the extent of such conflict.

By Senator Rose.

S. B. 21. An Act to re-enact and amend Chapter 35, Section 5 of the Acts of the General Assembly of 1930 requiring publishers and their agents to sell textbooks to dealers on a consignment basis.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 35, Section 5 of the Acts of 1930 be amended and re-enacted by appending to Section 5 these words, "all textbooks to be supplied by the publishers or their agents to the dealers or school units are to be on a consignment basis, reports and payment for books sold to be made every 60 days.

"The publisher or his legal agents may check the stock of textbook dealer at any time." So that said section when amended and re-enacted shall read as follows:

§ 5. Each board of education in the Commonwealth may appoint a dealer, or dealers, to act as official retail agent, or agents, for the sale of books for use in such school district, or any school unit may purchase and distribute books, etc., to its own patrons instead of having an agent or dealer to handle the books. Publishers whose books have been adopted under the provisions of this Act shall furnish such books either through such official retail agents, or through respective boards of education, at the lowest net wholesale price and the lowest net exchange price listed with the Superintendent of Public Instruction, f. o. b. the publisher's nearest shipping point. Such official retail agent, or agents, shall give a reasonable bond, if required, to respective publishers who have contracts to furnish adopted texts. All orders given by such retail agent, or board of education, shall be promptly filled.

Such official retail agent, or agents, shall sell such books at not more than fifteen per cent in excess of the net wholesale price. Where old books, displaced by a new adoption, or offered by pupils in exchange for the corresponding new books, such new books shall be offered at a price not to exceed by more than fifteen per cent the net exchange price listed by the publisher. If any such agent violates the requirements of this Act, or fails to give reasonable bond requested by any publisher, the board of education that appoint such agent, by giving notice prior to May 1 in any year, may revoke the appointment of such agent on July 1 of that year. When an agent or dealer's permit is revoked or terminates by mutual agreement or otherwise, all textbooks as per inventory of the dealer or agent must be paid for at wholesale price by the company, firm or individual from whom such textbooks were purchased, providing such textbooks or of the lawful adoption. All textbooks to be supplied by the publishers or their agents to the dealers or school units are to be on a consignment basis, reports and payment for textbooks sold to be made every 60 days. The publishers or his legal agent may check the stock of any textbook dealer at any time.

By Senator Jacobs.

S. B. 22. An Act to establish as a part of the primary road system of the Commonwealth of Kentucky a road in Bracken County, beginning at a point in State Highway No. 10 in the village of Lenoxburg via of the existing public road to the village of Foster.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the

primary system of highways of this Commonwealth the following route, to-wit:

Beginning at a point in State Highway No. 10 in the village of Lenoxburg, Bracken County, thence via the existing public road to the village of Foster, a distance of about five miles.

§ 2. The said project thus established to be known and designated as Project No. —, and to be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to the primary system of roads and highways in this Commonwealth and subject to all the terms and conditions of Chapter 17 of the Acts of 1920 establishing and creating a primary system of State highways, of which system said project shall be and become a part.

By Senator Jacobs.

S. B. 23. An Act to repeal and re-enact Section 4399a, Sub-section 10 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools, and being Section 10 of an Act, entitled, "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members; providing for the election of a county superintendent by said board, fixing his qualifications, compensation and term of office; and prescribing his duties and fixing his bond; providing for the election of an attendance officer by the county board of education, providing for the levy of tax for common school purposes in each county; prescribing the duties of the county tax commissioner, the county court clerk, with reference to the assessment of the property subject to said tax and prescribing the duties of the county board of education and fiscal court levying said tax and prescribing the duties of the sheriff in collecting said taxes and making his settlement to the fiscal court; providing the manner of paying his commission for collecting same; prescribing the duties of the fiscal court with reference to making settlement with the sheriff

for said tax; providing for the employment of teachers; providing for the appointment of district trustees and prescribing their duties."

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4399a Sub-Section 10 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, be, and the same is now repealed and re-enacted so that said subsection 10 when re-enacted shall read as follows:

At the regular November election, held on the first Tuesday after the first Monday in November, 1933, and every four years thereafter, there shall be elected in each county in this State a county superintendent of public schools, who shall assume office on the first Monday in January, 1934, and hold said office for a period of four years, and until his successor has been elected and qualified. No person shall be eligible to the office of superintendent of county schools who does not hold a proper certificate in scholarship, administration and supervision as provided by law; provided, however that all county superintendents of schools at the time this act takes effect shall continue to serve to the end of the term for which they were appointed and qualified, unless sooner removed as now provided by law. Said superintendent of county schools shall be eligible for re-election.

The superintendent of county schools shall devote his time to the public schools and shall receive such compensation as the fiscal court of the county may direct, to be paid from the county school funds, in equal monthly installments. In case of vacancy in the office of the superintendent of county schools from any cause whatever, said vacancy shall be filled as provided by Section 1526, Carroll's 1922 Edition, Kentucky Statutes.

The county superintendent of schools as executive officer of the county board of education shall see that the laws relating to the schools, the by-laws, rules and regulations of the State board of education, and regulations and policies of the county board of education are carried into effect.

The superintendent of county schools shall recommend for condemnation school buildings which are unsanitary and unfit for use. He shall also recommend the repairs to be made on school buildings, the purchase of school sites and grounds and the sale of same and make all such other recommendations as he deems necessary or advisable. He shall prepare or cause to be prepared, at the direction of the county board of education all plans and specifications for any and all school buildings to be erected or remodeled in his county.

The superintendent of county schools shall approve in writing all contracts, of any kind, entered into by the county board of education, and no contract entered into by the county board of education without the written approval of the county superintendent of schools shall be valid.

The county superintendent of schools shall be the representative of the state superintendent of public instruction in all examinations for teachers' certificates, conducted within the county and shall perform such other duties connected therewith as may be required by law.

By Senator Jacobs.

S. B. 24. An Act to repeal and re-enact Section 4399a-Sub-section 8 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools and being Section 8 of an Act, Entitled: "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members; providing for the election of a county superintendent by said board; fixing his qualifications, compensation and term of office; and prescribing his duties and fixing his bond; providing for the

election of an attendance officer by the county board of education; providing for a levy of tax for common school purposes in each county; prescribing the duties of the county tax commissioner, the county court clerk, with reference to the assessment of the property subject to said tax and prescribing the duties of the sheriff in collecting said taxes and making his settlement to the fiscal court; providing the manner of paying his commission for collecting same; prescribing the duties of the fiscal court with reference to making settlement with the sheriff for said tax; providing for the employment of teachers; providing for the appointment of district trustees and prescribing their duties."

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4399a, Subsection 8 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, be and the same is repealed and re-enacted so that said subsection when re-enacted shall read as follows:

It shall be the duty of the county tax commissioner of each county, upon blanks furnished him by the State tax commission, in making the assessment for his county to show on each assessment the property subject to taxation under the provisions of this act, and it shall be the duty of the county court clerk, after the county tax commissioner has made out and completed the county tax commissioner's books of the county, to certify to the county school superintendent the total assessed valuation of property in the county under the provisions of this act. Upon receipt of such certificate of the county court clerk, it shall be the duty of the county board of education, each year to prepare, subject to the rules and regulation of the State board of education and on and with the advice of the county school superintendent, an itemized and

detailed school budget, showing the sum of money needed for paying and supplementing teacher's salaries, for permanent improvements, repairs, furniture, old buildings, maintenance and support of county schools during the succeeding school year and also the estimated total amount that will be received from the State and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount, which in no event shall exceed or be more than seventy-five cents ($0.75) on each one hundred dollars ($100.00) worth of taxable property in the territory affected by this act. This annual school budget shall be submitted in writing to the county court clerk not less than ten days before the usual day for making the county levy and it shall be the duty of the county court clerk to present said budget, so submitted, to the fiscal court when it convenes to make the annual county levy.

In any county in which a rate of more than fifty cents to the one hundred dollars is levied for school purposes, it shall become the duty of the county board of education to maintain its schools for a minimum term of eight months, provided, however, that the money received from both the State and county will enable it to pay a standard salary of seventy-five dollars ($75.00) per month to its teachers, allowing an average of one teacher for every fifty pupil children in its county school census. Should said sum so received from both State and county be insufficient to pay said standard salary of seventy-five dollars ($75.00) per month to said teachers, then said county board of education shall maintain its said schools for a period of either six or seven months, in its discretion.

When said county school budget and the recommendations of the county board of education have been submitted to the fiscal court of the county, as herein provided, the said fiscal court shall make such levy as it deems necessary and advisable, not exceeding the maximum herein provided for the proper maintenance of the county schools, upon all taxable property, subject to county taxation, in such county, exclusive of property located in graded school districts, and cities

and towns maintaining a separate and distinct system of common schools.

At the same time the fiscal court makes the ad valorem levy provided for herein, it shall also impose upon all male voters residing in the territory affected by such ad valorem tax, a capitation tax, not exceeding one dollar ($1.00) each. It shall be the duty of the sheriff of the county, at the same time and in the same manner he collects other State and county revenue, to collect the taxes imposed under the provisions of this act, and after deducting his commission for making such collection, as allowed by law, he shall pay over the remainder of such taxes so collected to the treasurer of the county board of education.

For the purpose of determining the commission due the sheriff for collecting the taxes provided for in this act, the taxes so collected, together with the State and county revenue collected by the sheriff shall be treated as one fund, and the sheriff shall deduct from the taxes collected under the provisions of this act, his commission for collecting same, which shall be in proportion to his entire commission on the combined funds referred to herein, as the school taxes collected, bear to all the taxes collected by him. The sheriff shall make monthly settlements with the treasurer of the county board of education of all taxes collected by him under the provisions of this act. The fiscal court shall annually make a settlement with the sheriff for the taxes collected under the provisions of this act in the same manner as now provided for by law for the settlement of State and county taxes and a copy of said settlement, made as aforesaid, shall within thirty days thereafter, be filed with the county board of education.

The money collected by taxation under the provisions of this act, or so much thereof as may be necessary, shall first be expended by the county board of education in accordance with the provisions and recommendations contained in the budget submitted to the fiscal court, as herein provided. Any sum or sums remaining with the said county board of educa-

tion after the recommendations and requirements of the said budget have been satisfied may be used by said county board of education for supplementing teachers' salaries, building school houses, making repairs, purchasing equipment and any and all other costs of maintenance and operation as in the judgment of the county board of education may be necessary or proper.

By Senator Jacobs.

S. B. 25. An Act to repeal Section 1599a Sub-Section 16 of Chapter 42a of Carroll's 1922 Edition, Kentucky Statutes, being an Act of the General Assembly 1904 as amended.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1599a, Sub-Section 16 of Chapter 42a of Carroll's 1922 Edition, Kentucky Statutes, be and the same is repealed.

By Senator Holloway.

S. B. 26. An Act to amend Section one thousand, one hundred and ten of Carroll's Kentucky Statutes, providing for changes of venue in criminal cases upon application of the defendant, and by providing for the payment of the costs on changes of venue made upon the application of the defendant in criminal prosecutions.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section one thousand, one hundred and ten of the

Kentucky Statutes be amended by adding to said section at the end thereof the words "On such change of venue all costs of the removal, and all other costs which otherwise would be payable by the county from which the removal is had, shall be paid by said county just as if such change of venue had never been made;" so that said section when amended shall read as follows:

"Sec. 1110. Application by defendant; affidavits; notice; nearest county; evidence. Such application, if made by the defendant, must be made by petition in writing, verified by the defendant; and the applicant must produce and file the affidavits of at least two other credible persons, not of kin to nor of counsel for the defendant, stating that they are acquainted with the State of public opinion in the county or counties objected to, and that they verily believe the statements of the petition for such change of venue are true; and the attorney for the Commonwealth; or in his absence from the county, the county attorney, must have reasonable notice, in writing, of such application. If objections are taken and sustained to all the adjoining counties, then the change shall be made to the nearest county to which there is no valid objections, giving preference to counties of the same judicial district. The application must be made and determined upon in open court, during a regular or called term, and the court shall, on said motion, hear all the witnesses that may be produced by either party, and from the evidence determine whether or not the applicant is entitled to a change of venue. On such change of venue all costs of the removal, and all other costs which otherwise would be payable by the county from which the removal is had, shall be paid by said county just as if such change of venue had never been made."

Because of the many changes of venue being made in criminal proceedings from certain counties of the Commonwealth to other counties, and because of the unfairness in requiring the counties to which such changes of venue are made to bear the costs burdens of the counties where the causes of the prosecutions occur, an emergency is hereby de-

clared to exist, and this act shall be in effect on and after its passage and approval by the Governor, or upon the elapsing of ten days after its formal passage, provided the Governor shall not have approved or disapproved the same within said ten days.

By Senator Holloway.

S. B. 27. An Act to amend Section one thousand, one hundred and twelve of Carroll's Kentucky Statutes, providing for removals on change of venue in certain criminal cases from one county to another, and for the payment of the costs on such removals, and upon the trials after such removals are had.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section one thousand, one hundred and twelve of Carroll's Kentucky Statutes be amended by erasing and eliminating from the first subsection thereof the concluding words "and the fiscal court of the county from which such removal is made shall allow and pay the costs thereof from the county levy," and by inserting in said subsection 1 of said section in lieu of said words the following, to-wit: "and the fiscal court of the county from which such removal is made shall allow and pay all costs of the removal, and all other costs which otherwise would have been allowable and payable against it had the trial been held in said county from which the removal was had, just in the same way and to the same extent as though said removal had never been made;" so that said section as amended is re-enacted and shall read as follows:

"Sec. 1112. Removal from county in state of lawlessness; expense paid by county.

(1) Whenever any circuit judge shall be satisfied from his own knowledge and from the written statement of the Commonwealth's attorney of that district that such a state of lawlessness exists in any county of this Commonwealth or that he be so satisfied that a high state of excitment or feeling of prejudice exists therein against the defendant that there is apparent danger of mob violence wherein loss of life or destruction of property may occur unlawfully that a trial in such county cannot be fairly and impartially had or that the officers of the court will be prevented from discharging their duty or that the jurors may be intimidated or deterred from fairly and impartially rendering a verdict in the case he may order the prosecution removed to some other county in which a fair trial can be had; and the fiscal court of the county from which such removal is made shall allow and pay all costs of the removal, and all other costs which otherwise would have been allowable and payable against it had the trial been held in said county from which the removal was had, just in the same way and to the same extent as though said removal had never been made.

(2) A change of venue may be had to some other county when the facts exist as set out in section one of this act on the motion of the defendant by counsel and his presence in court waived when the written statement of his counsel is filed in such case and the affidavit of the defendant filed therein that he is in danger of mob violence in such county and for that reason desires that a change of venue be had to some other county and that he therein waives his presence on the hearing of a motion for a change of venue.

Because of the many changes of venue being made in criminal proceedings from certain counties of the Commonwealth to other counties, and because of the unfairness in requiring the counties to which such changes of venue are made to bear the costs burdens of the counties where the causes of the prosecutions occur, an emergency is hereby declared to exist, and this act shall be in effect on and after its passage and approval by the Governor, or upon the elapsing of ten days after its formal passage, provided the Gov-

ernor shall not have approved or disapproved the same within said ten days.

By Senator Holloway.

S. B. 28. An Act to amend and re-enact Section one thousand, one hundred and nineteen of the Kentucky Statutes, providing for the payment of costs on changes of venue in criminal cases granted on the application of the Commonwealth, and providing that all the costs which would be borne by the county had the removal not been made, shall notwithstanding the removal be borne by said county from which the removal is made.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one thousand, one hundred and nineteen of Carroll's Kentucky Statutes be amended by striking therefrom the words "all the costs of the removal shall be paid by the county from which the removal is had, in the same manner as other claims against the county are paid," and by inserting in said section in lieu thereof the words, "all the costs, both of the removal, and the trial otherwise properly payable by the county from which the removal is had, shall be paid by the county from which the removal is had, just as if the said removal had never been had;" so that said section when amended shall read:

"Sec. 1119. Removal at instance of Commonwealth; costs to be paid by county. If the change of venue is granted to or on the application of the Commonwealth, all the costs, both of the removal, and the trial otherwise properly payable by the county from which the removal is had, shall be paid by the county from which the removal is had, just as if the said removal had never been had:

Because of the many changes of venue being made in criminal proceedings from certain counties of the Commonwealth to other counties, and because of the unfairness in requiring the counties to which such changes of venue are made to bear the costs burdens of the counties where the causes of the prosecutions occur, an emergency is hereby declared to exist, and this act shall be in effect on and after its passage and approval by the Governor, or upon the elapsing of ten days after its formal passage, provided the Governor shall not have approved or disapproved the same within said ten days.

By Senator Mehler.

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages: providing preference for employment of citizens of Kentucky on public works, and further providing for definition of terms used, enforcement of and penalty for violation of this Act.

To Committee on Laboring and Manufacturing.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hours and Wages. (a) Eight hours shall constitute a legal day's work for all classes of employment in this Commonwealth except those exempted and/or unless otherwise provided by law.

(b) Each contract to which the Commonwealth or a county thereof or a municipal corporation or a commission of the Commonwealth or county or a municipal corporation, elected or appointed pursuant to law, is a party and which requires or involves the employment of laborers or mechanics, shall contain a stipulation that no laborer or mechanic in the employ of the contractor, subcontractor or other person, firm or corporation doing or contracting to do the whole or a part

of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of emergency caused by fire, flood or danger to life or property.

(c) The wages to be paid for a legal day's work, as hereinbefore defined, to laborers or mechanics upon such public works or upon any material to be used in connection therewith shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the Commonwealth where such public work on, about or in connection with such labor is performed in its finished or completed form is to be situated, erected or used; and, such contracts shall contain a provision that each laborer or mechanic employed by such contractor, subcontractor or other person, firm or corporation about or upon such public work, shall be paid the wages herein provided.

(d) This section shall not apply to:

1. Employees engaged in farm and domestic service;

2. Other persons regularly employed in State charitable and eleemosenary institutions; except mechanics;

3. Engineers, electricians, elevator men and such other employees as are required at the State Capitol during the session of the General Assembly and on special or emergency occasions;

4. Employees engaged in the construction, maintenance and repair of the roads in the State highway system.

§ 2. Definitions: (a) The term "prevailing rate of wage" for the intents and purposes of this act, shall be the rate of wage paid in the locality as hereinafter defined to the majority of laborers or mechanics in the same trade or occupation; in the event that it be determined that there is not a majority in the same trade or occupation paid at the same rate than the rate paid to the greater number in such trade

or occupation shall be the prevailing rate, providing such greater number constitutes at least forty per centum of the laborers or mechanics engaged in such trade or occupation; in the event there is less than forty per centum of the laborers or mechanics engaged in the same trade or occupation in the same locality paid the same rate, then the average rate paid to such laborers or mechanics in the same trade or occupation shall be the prevailing rate.

(b) The term "locality" for the purpose of this act shall mean the city or other civil division of the Commonwealth wherein the physical work is being performed.

(c) The term "laborers" for the intents and purposes of this act shall mean and include unskilled workmen who perform physical or manual labor and who are not ordinarily classed as apprentices or journeymen mechanics.

(d) The term "mechanics" for the intents and purposes of this act shall mean and include such workmen who directs, supervises or performs physical or manual labor of skill and are commonly classed as apprentices or journeymen mechanics.

§ 3. Enforcement: (a) It is hereby made the duty of the chief officer of the Department of Labor of the Commonwealth of Kentucky to determine the prevailing rates of wages for work to be performed under the provisions of this act and to this end such chief officer may, and on written request of any interested person shall, require any person, firm or corporation performing a contract under the provisions of this act, to file with such chief officer a schedule of the wages to be paid to such laborers or mechanics employed by such person, firm or corporation; and, such person, firm or corporation shall within five days after the receipt of such requirement file with the chief officer such schedule of wages.

(b) The chief officer, as herein defined, may, on his own initiative and must, on a verified complaint in writing, of any person interested, cause an investigation to be made to de-

termine the prevailing rate of wages in the same trade or occupation in the locality within the Commonwealth where such public work is being performed, or the hours of labor performed by the laborers or mechanics employed on such public work or both. The chief officer or his deputies are hereby empowered and persons, firms or corporations subject to the provision of this act shall permit the chief officer or his deputies to examine the books and records pertaining to the rate of wages paid to the laborers or mechanics employed on public works and/or the hours of labor performed by laborers or mechanics on public works under the provisions of this act.

§ 4. Preference in Employment of Citizens Upon Public Works: (a) In the construction of public works under the provisions of this act, preference shall be given to citizens of the Commonwealth of Kentucky; persons other than citizens of Kentucky may be employed when such citizens are not available and in each contract let under the provisions of this act, a provision shall be inserted that if this section is not complied with the contract shall be void.

(b) Boards, officers, agents or employees having the power to enter into contracts who are required to comply with the provisions of this act, shall file with the chief officer of the Department of Labor the names and addresses of all contractors granted contracts upon and after this act becomes effective.

(c) Upon the demand of the chief officer of the Department of Labor, a contractor shall furnish a list of the names and addresses of all his subcontractors and all contractors and subcontractors shall keep a list of his employees showing date employed, occupation, rate of pay, hours worked, resident or non-resident of the Commonwealth and date of termination of employment.

§ 5. Penalty for Violation of Provisions of This Act: That if any officer or agent of the Commonwealth of Kentucky or a county thereof or a municipal corporation thereof, or a

commission of the Commonwealth or county or municipal corporation, whose duty it shall be to employ, direct or control any laborer or mechanic employed upon any of the public works or buildings of the Commonwealth of Kentucky, or county thereof, or a municipal corporation, or a commission of the Commonwealth of Kentucky or county thereof or a municipal corporation, except those exempted in Section 1 herein, who shall violate any provision of this act, shall be guilty of a misdemeanor and for each and every such offense shall, upon conviction, be punished by a fine of not less than fifty ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment for not more than three (3) years or by both such fine and imprisonment in the discretion of the court having jurisdiction thereof.

§ 6. All acts and parts of acts in conflict herewith to the extent of such conflict are hereby repealed.

§ 7. Should the courts decree any section or provision of this act unconstitutional, such decisions shall not affect the other sections or provisions of this act. It is the legislative intent that any section or sections of this act which may not be declared unconstitutional shall be operative.

By Senator Stewart.

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

To Committee on Revenue and Taxation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4223c-1 of Carroll's Statutes, 1930 edition, be and the same is hereby repealed and re-enacted and when so re-enacted that same shall read as follows:

Every person, firm, corporation or association producing crude petroleum oil in this State shall in lieu of all other taxes on the wells producing said crude petroleum, annually pay a tax equal to one-half (½) of one per cent (1%) of the market value of all crude petroleum so produced; and such tax shall be for State purposes, and in addition any county in the State may impose a like tax for road purposes, county purposes or school purposes, not to exceed one per cent (1%) of the market value of all crude petroleum produced in such county; and the fiscal court of any county may levy said tax for county purposes; and shall determine what fund or funds shall receive the tax when collected. And when crude petroleum is produced in any separate taxing district in a county the fiscal court shall equitably distribute such taxes between the county and such taxing district.

By Senator Stewart.

S. B. 31. An Act to repeal an act enacted by the General Assembly of Kentucky at its 1930 session, being Chapter 63 of the act of 1930 of the General Assembly of Kentucky and sections 2438c-8, 2438c-9, 2438c-10, 2438c-11, 2438c-12, 2438c-13, 2438c-14, 2438c-15, 2438c-16 of Supplement of Carroll's Kentucky Statutes, pertaining to the establishment in each county seat a county law library and establishing the Circuit Court Clerk as ex-officio librarian of said library and fixing his salary as librarian.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 63 of the Acts of the 1930 General Assembly of Kentucky, same being sections, 2438c-8, 2438c-9, 2438c-11, 2438c-12, 2438c-13, 2438c-14, 2438c-15, 2438c-16 of Supplement of Carroll's Kentucky Statutes be and same are hereby repealed.

By Senator Pogue.

S. B. 32. An Act to amend Section 4421a-36 Carroll's Kentucky Statutes 1931 Baldwin Supplement edition relating to organization of the State Textbook Commission by repealing and re-enacting said Section so that when repealed and re-enacted it shall read as follows:

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby created a State Textbook Commission which shall consist of ten members, two of whom shall be ex-officio members, namely, the Governor of the Commonwealth of Kentucky, who shall be chairman of the Commission and the State Superintendent of Public Instruction who shall be secretary of the Commission and eight of whom shall be appointed by the Governor at such time or times in the manner hereinafter provided. The appointive members shall be educators of high qualifications who are actually engaged in education work in the State and whose educational qualifications shall be equivalent to graduation from a senior college.

Two of the appointive members shall be appointed for a term beginning with the date of appointment and expiring June 30, 1930; two for a term beginning with the date of appointment and expiring June 30, 1931; and two for a term beginning with the date of appointment and expiring June 30, 1932. And two for a term beginning on the date of appointment and expiring June 30, 1933. At the expiration of the terms of the first appointees, and thereafter, the terms of the appointed members of the Textbook Commission shall be for a term of four school years.

The members of the State Textbook Commission shall adopt rules and regulations for the procedure of the Com-

mission which shall not be in conflict with the laws of the State of Kentucky.

By Senator Stephenson.

S. B. 33. An Act to amend and re-enact section 965-35, Kentucky Statutes 1930, Carroll's Edition as amended by Chapter 29, 1930, Acts of the General Assembly of the Commonwealth of Kentucky, relating to circuits and fixing the time for holding court in the 35th Judicial District of the Commonwealth of Kentucky, composed of Pike and Letcher Counties, and declaring an emergency.

To Committee on Judiciary.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 965-35, Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 29, of Acts 1930, session of the General Assembly of the Commonwealth of Kentucky, be and the same is amended, and as amended shall read as follows:

That a circuit court shall be held in Pike County, as follows: At Pikeville, Kentucky, beginning on the fourth (4th) Monday in February, and continuing for eighteen (18) juridical days; beginning on the first Monday in April and continuing for twenty-four (24) juridical days; beginning on the second Monday in June and continuing for eighteen (18) juridical days: beginning on the second Monday in July and continuing eighteen (18) juridical days; beginning on the first Monday in October and continuing for eighteen (18) juridical days; and beginning on the second Monday in November and continuing for twenty-four (24) juridical days.

§ 2. That a circuit court shall be held in Letcher County as follows: At Whitesburg, Kentucky, beginning third Mon-

day in January and continuing for twenty-four (24) juridical days; beginning second Monday in May and continuing twenty-four (24) juridical days; and beginning fourth Monday in August and continuing twenty-four (24) juridical days.

§ 3. Whereas the docket of the 35th Judicial District is congested an emergency is hereby declared to exist and this act shall become effective upon its passage and approval by the Governor.

§ 4. All acts and parts of acts in conflict herewith are hereby repealed.

By Senator Gates F. Young.

S. B. 34. An Act to amend section two thousand three hundred eighty (2380) sub-section thirty-four (34), Baldwin's Revision of Carroll's Kentucky Statutes (1930), being Chapter 114 of the Acts of the General Assembly of the Commonwealth of Kentucky at its session of nineteen hundred eighteen, relating to the issue of Drainage Bonds and the nature and payment of same, by providing for the issue of renewal or refunding bonds, the manner of issuing same and the nature and payment thereof.

To Committee on Drains and Ditches.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section two thousand three hundred eighty (2380), sub-section thirty-four (34), Baldwin's Revision of Carroll's Kentucky Statutes (1930) being Chapter 114 of the Acts of the General Assembly of the Commonwealth of Kentucky at its session of nineteen hundred eighteen, relating to the issue of Drainage Bonds and the nature and payment of same, be and the same is hereby amended by appending thereto the following:

"That wherever bonds have been issued to anticipate the collection of the assessments and the various installments thereof which have been levied and assessed for the purpose of providings funds for the reclamation of lands and/or the the construction, completion and maintenance of drainage districts and drains as provided herein and such installments or any part thereof shall not be paid on the date or dates of their respective maturities, then the Board of Drainage Commissioners may, in their discretion, give notice by publication in one issue of some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse, in the counties where the land assessed is located and at five conspicuous places in the drainage district, that they propose to issue renewal or refunding bonds for the purpose of raising funds to retire the outstanding bonds which were issued to anticipate collection of said installment; said notice shall set forth the amount of bonds to be issued, the rate of interest they are to bear and the time when payable. Any land owner then in default in the payment of his installment or any part thereof, and not wanting to pay interest on the proposed renewal or refunding bonds, may, within 30 days after the publication of said notice, pay the county treasurer the full amount of said installment together with interest from its date of maturity and have his land released therefrom.

Each and every person in default in the payment of said installment or any part thereof and the interest thereon, and owning land in the district in lieu for payment of same, and who shall not have fully paid the same on or before the expiration of 30 days from the publication of the notice provided for herein, shall be deemed as consenting to the issuing of the refunding or renewal bonds as herein provided for, and in consideration of the right to pay said installment in the manner hereinafter provided for, he thereby waives his right to any defense against the collection of same.

At the expiration of 30 days after the publication of the notice herein provided for, the board of drainage commissioners shall divide said unpaid installment into sub-install-

ments, not less than two nor more than 30, which shall bear interest at the rate of 6% per annum, payable annually from the date of publication, and may issue bonds to anticipate the collection thereof, which bonds shall mature in series to correspond with the said sub-installments into which the unpaid installment is divided and which bonds shall draw interest at the rate of six per cent (6%) per annum, payable annually, and be payable at some place to be designated by the board of drainage commissioners; and said bonds so issued shall be for the exclusive use and benefit of said drainage district, the proceeds thereof to be used to pay bonds issued to anticipate collection of said original installment, and said bonds shall designate on the face thereof the name of the said district and the purpose for which they were issued. The said installment and each sub-installment thereof, shall constitute a first and paramount lien, second only to State and county taxes upon the lands assessed in said district. The lien to secure payment of each and all of said sub-installments shall be of the same dignity and rank and in all respects co-equal with the lien of the original installments.

The said renewal or refunding bonds and the said sub-installments shall, with reference to the time and place of payment, the manner of collecting delinquent sub-installments, the certification thereof to the sheriff and in all other particulars not specifically set out herein, be governed in all respects by the provisions herein with reference to original installments.

Said section when amended and re-enacted shall read as follows:

At the expiration of thirty days after the publication, the board of drainage commissioners may divide the unpaid assessment into annual installments, not less than two nor more than thirty, which shall draw interest at the rate of six per cent (6%) per annum, payable annually from thirty days after the date of publication, and may issue bonds to anticipate the collection thereof, which bonds shall mature in series to correspond with the said installments into which the unpaid

assessment is divided, and which bonds shall draw interest at the rate of six per cent (6%) per annum, payable annually, and be payable at some place to be designated by the board of drainage commissioners; and the said bonds so issued shall be for the exclusive use and benefit of said drainage district, and shall designate on the face thereof the name of the said district and the purpose for which they were issued. The assessment, and each installment thereof, shall constitute a first and paramount lien, second only to State and county taxes upon the lands assessed in said district, for the construction of the work ordered to be done therein upon which the assessment has not been fully paid. The drainage commissioners, in dividing the unpaid assessment into installments, shall fix the time for the payment thereof in each respective year so that each installment shall be due at least one hundred and twenty days before the bonds in that series which have been issued to anticipate the collection of that installment shall become due, and it shall be the duty of each landowner whose land is in lien for the payment of said bonds to pay the installment due thereon against his land, with all interest due at that time on that installment and deferred installments, to the treasurer on or before the time fixed by the drainage commissioners for the maturity of the said installment. Upon the first Monday after the said installment is due, the board of drainage commissioners shall meet and ascertain the party or parties whose installment is in default, if any, and shall on said date issue warrants directed to the sheriff or other collecting officer directing him forthwith to collect the same in default. Said sheriff or collecting officer shall collect said installment with interest that is due on that and deferred installments, together with a penalty of six per cent (6%) thereon as State and county taxes are collected, and settle therefor with said board of drainage commissioners within sixty days from the time the same were certified to him, and pay to said board the moneys so collected. And all lands upon which the said moneys due on the said installment have not been collected at the end of the said sixty days, the said sheriff shall forthwith advertise and sell in the same manner as is provided in the case of State and county taxes.

The said sale so made to be subject to the future installments of the said assessments, and at the expiration of ninety days from the date of the original certification of the installment to the said sheriff or other collecting officer, the said sheriff or other collecting officer shall make final settlement with said board of drainage commissioners and pay to them all moneys in his hands, and in default thereof said commissioners may compel said sheriff to make said settlement by rule against him issued by the county court in which said proceedings are pending, after giving him five days' notice thereof in writing. In case any land or lands be not purchased at said sale, the said sheriff or, other collecting officer shall purchase said land or lands for said district, and in his final settlement with said drainage commissioners shall take credit therefor. The sheriff or collecting officer shall certify each of said sales to the county court clerk, as required in the sale of lands for State and county taxes, and said clerk shall record such sale in the land sale book kept by him. For collecting the assessments so certified to him the sheriff or other collecting officer shall be paid by the said drainage commissioners the same fees allowed him for collecting State and county taxes in the same manner; and for recording said certificate of sale the said clerk shall be allowed and paid the same fees allowed him by law for similar work in reference to State and county taxes. The owner of such real estate, or his representatives, heirs or assigns, shall have the right to redeem said land from said sale as is now provided for the redemption of lands sold for State and county taxes, but only upon the same terms and conditions and within the same time as allowed in such cases. Any sheriff or collecting officer who shall fail to settle and pay off any installment of assessment with interest as herein provided, within the time as herein provided, shall be liable to the board of drainage commissioners for said district for the full amount so certified to him, with interest, which may be collected from the sheriff or other collecting officer by rule issued against him by the county court in which the proceeding is pending on notice of five days in writing previously given to him in reference thereto. The sheriff or other collecting officer shall be liable upon his bonds for his acts done

hereunder, and for the faithful performance of his duties prescribed herein.

The provisions herein do not deprive and are not to be construed as depriving the holders of the bonds from having all rights by mandamus or otherwise against the drainage commissioners, the sheriff and all other officers or agents of said district having duties to perform hereunder.

That wherever bonds have been issued to anticipate the collection of the assessments and the various installments thereof which have been levied and assessed for the purpose of providing funds for the reclamation of lands and/or the construction, completion and maintenance of drainage districts and drains as provided herein and such installments or any part thereof shall not be paid on the date or dates of their respective maturities, then the board of drainage commissioners may, in their discretion, give notice by publication in one issue of some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse, in counties where the land assessed is located and at five conspicuous places in the drainage district, that they propose to issue renewal or refunding bonds for the purpose of raising funds to retire the outstanding bonds which were issued to anticipate collection of said installment; said notice shall set forth the amount of bonds to be issued, the rate of interest they are to bear and the time when payable. Any landowner then in default in the payment of his installment or any part thereof, and not wanting to pay interest on the proposed renewal or refunding bonds, may, within 30 days after the publication of said notice, pay the county treasurer the full amount of said installment together with interest from its date of maturity and have his land released therefrom.

Each and every person in default in the payment of said installment or any part thereof and the interest thereon, and owning land in the district in lien for payment of same, and who shall not have fully paid the same on or before the expiration of 30 days from the publication of the notice provided

for herein, shall be deemed as consenting to the issuing of the refunding or renewal bonds as herein provided for, and in consideration of the right to pay said installment in the manner hereinafter provided for, he thereby waives his right to any defense against the collection of same.

At the expiration of 30 days after the publication of the notice herein provided for, the board of drainage commissioners shall divide said unpaid installment into sub-installments, not less than two nor more than 30, which shall bear interest at the rate of 6% per annum, payable annually from the date of publication, and may issue bonds to anticipate the collection thereof, which bonds shall mature in series to correspond with the said sub-installments into which the unpaid installment is divided and which bonds shall draw interest at the rate of six per cent (6%) per annum, payable annually, and be payable at some place to be designated by the board of drainage commissioners; and said bonds so issued shall be for the exclusive use and benefit of said drainage district, the proceeds thereof to be used to pay bonds issued to anticipate collection of said original installment, and said bonds shall designate on the face thereof the name of the said district and the purpose for which they were issued. The said installment and each sub-installment thereof, shall constitute a first and paramount lien, second only to State and county taxes upon the lands assessed in said district. The lien to secure payment of each and all of said sub-installments shall be of the same dignity and rank and in all respects co-equal with the lien of the original installment.

The said renewal or refunding bonds and the said sub-installments shall, with reference to the time and place of payment, the manner of collecting delinquent sub-installments, the certification thereof to the sheriff and in all other particulars not specifically set out herein, be governed in all respects by the provisions herein with reference to original installments.

In view of the widespread delinquency of taxes due the various drainage districts throughout the Commonwealth and

since there are at present numerous drainage districts which will be unable to retire outstanding drainage bonds at their respective maturities, and in view of the purpose of this bill, namely, to extend the time in which such installments of drainage taxes can be paid, an emergency is hereby declared to exist and this Act shall take effect upon its passage.

By Senator Stephenson.

S. B. 35. An Act relating to the fiscal adminstration of the Commonwealth of Kentucky; providing for interest-bearing negotiable State warrants, and the issual of interest-bearing negotiable treasury notes in anticipation of current revenue for the fiscal year; prescribing the duties of the State Treasurer, Auditor of Public Accounts, and the Budget Commission of the Commonwealth of Kentucky relative thereto; and repealing section 4688a-2, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 3 of chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section 4688a-4, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 5 of chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section, section 4697, Kentucky Statutes, 1930, Carroll's Edition, section 4698, Kentucky Statutes, 1930, Carroll's Edition; and amending section 4688a-8, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 9 of chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section 4689, Kentucky Statutes, 1930, Carroll's Edition; and section 22 of chapter 170 of the Acts of the 1926 session of the General Assembly of the Commonwealth of Kentucky and being section 1992a-22, Kentucky Statutes, 1930, Carroll's Edition.

To Committee on Appropriations.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Treasurer of the Commonwealth of Kentucky

shall keep in his office a record book to be kown as the "Cash Ledger." This record book of the office of the State Treasurer shall be provided for under the provisions of the Uniform Accounting Law of the State.

The State Treasurer shall upon receiving revenues and funds of the Commonwealth of Kentucky distribute the same to the proper budget funds on his Cash Ledger, according to the terms of the State Budget, and as provided by law.

The Cash Ledger of the State Treasurer shall be a duplicate of the budget ledger maintained as a part of the records of the Auditor of Public Accounts as to budget funds of the State.

All checks drawn by the State Treasurer in payment of State obligations shall be charged on the Cash Ledger by the State Treasurer to the budget fund from which it is payable. The State Treasurer shall keep a daily balance of cash in pencil in a column on said Cash Ledger providing for said daily balance.

§ 2. The State Treasurer shall issue his check in payment of all State warrants when presented for payment, if there is sufficient money on hand belonging to the budget fund or funds out of which the State warrants so presented are payable.

If the State Treasurer shall have insufficient funds on hand belonging to any budget fund or funds, out of which State warrants are payable, at the time the State warrant or warrants are presented for payment, the State Treasurer shall fill in the blanks to be provided on said warrant giving said warrant a due date and providing the rate of interest to be paid on the warrant, to-wit: "Negotiable and payable at ———, of ———, Kentucky, on or before the —— day of ——, 19—— with interest at —— per cent from the —— day of ———, 19—— until paid. Subject to be called for payment on notice."

All interest-bearing warrants shall be negotiable and shall be made payable at the office of the State Treasurer or at a State depository in the discretion of the Treasurer. All interest-bearing State warrants shall bear interest at a rate not in excess of five per cent per annum from date said warrant is made interest-bearing until paid.

The rate of interest upon all interest-bearing warrants shall be fixed by the State Treasurer with the advice and consent of the Budget Commission of the Commonwealth of Kentucky. The interest rate so fixed shall be at the lowest rate possible considering the money market at the time State warrants are made interest-bearing as provided for herein.

The due date of each interest-bearing warrant shall be fixed by the State Treasurer from his knowledge of when current revenues for the fiscal year may be expected to accrue to produce available funds for the payment of interest-bearing warrants, and if to be paid from funds derived from other sources, from his knowledge when said funds may be expected to be received by the State.

The general policy of the Treasurer's office in conducting the fiscal administration of the Commonwealth of Kentucky shall be determined by the State Treasurer by and with the advice and consent of the Budget Commission of the Commonwealth of Kentucky.

§ 3. The State Treasurer shall keep in his office a record book to be known as the "Interest-Bearing Warrant Record," which shall be provided for under the provisions of the Uniform Accounting Law of the State.

The State Treasurer shall enter all interest-bearing State warrants upon this record before they are delivered to the person entitled thereto, and shall be entered upon said record under a budget heading which shows the budget funds from which the interest-bearing State warrants so entered are payable. The records shall show the date of each interest-bearing

State warrant so entered, serial number, amount, and to whom issued, and the due date thereof. As interest-bearing warrants are paid, the State Treasurer shall stamp each warrant paid as provided for in this Act, and shall thereupon enter on said record the date of payment of the warrants, to whom paid, together with the amount of interest paid on each warrant.

§ 4. The State Treasurer of the Commonwealth of Kentucky, by and with the advice and consent of the Budget Commission of the Commonwealth of Kentucky, shall have the power and authority to anticipate the revenue of the Commonwealth of Kentucky for the current fiscal year, and to borrow money upon the faith thereof to meet the current expenses of the State as they accrue, or to pay off and discharge interest-bearing State warrants becoming due and payable before sufficient revenues have accrued during the fiscal year to pay off and discharge said interest-bearing State warants.

If the State Treasurer desires to borrow money under the provisions of this section, he shall with the advice and consent of the Budget Commission of the Commonwealth of Kentucky negotiate said loan or loans on the best terms possible at a rate of interest not in excess of five per cent per annum, and shall execute a note or notes of the Commonwealth of Kentucky as State Treasurer in his official capacity as Treasurer of the Commonwealth of Kentucky. Said notes so executed shall be known as "Treasury Note of the Commonwealth of Kentucky." All notes executed by the State Treasurer under the provisions of this section shall be negotiable and shall be made payable to bearer, and shall show on its face the budget fund out of which it is to be paid. The due date of notes issued under this provision shall be fixed by the State Treasurer from his knowledge as to when funds will be available to pay the notes so issued.

If any of said notes become due and payable before the State Treasurer has the available funds on hand to pay off

said note, or notes, becoming due and payable he shall have the power and authority to renew any note or notes that he is going to be unable to pay at maturity.

The State Treasurer has the power and authority to issue notes as provided for under the provisions of this section against one or more or all budget funds provided in the State budget.

All notes issued by the State Treasurer shall be countersigned by the Auditor of Public Accounts, and shall be charged by the Auditor of Public Accounts on his budget ledger against the budget fund from which the note or notes so issued are payable, in a column on said budget ledger other than the column in which warrants or contracts of the State are charged. All notes of the State issued under this section in excess of the budget fund from which they are payable shall be null and void. The signature of the Auditor of Public Accounts and the State Treasurer to said note or notes issued under the provisions of this section shall be construed to be their certificate that the amount of the note so issued is within the budget fund from which it is payable.

The Auditor of Public Accounts and the State Treasurer shall be liable on their official bonds for the amount of any note of the State issued under the provisions of this section in excess of the budget fund out of which the note is payable.

The State Treasurer shall have no power or authority to discount any note or notes issued under the provisions of this section for less than par and accrued interest.

§ 5. The State Treasurer shall keep in appropriate, well-bound books, to be provided for under the provisions of the Uniform Accounting Law of the State, a true account of all money paid into the State Treasury, by whom, when, how and on what account paid. The Treasurer shall keep the accounts of the sinking fund, common school fund and all other budget funds of the State distinct from each other. The Treasurer

shall account separately for each budget fund of the State. The Treasurer shall keep a true account of all sums paid out, when, to whom, and for what paid, and shall also keep an account with each State depository, showing the amount deposited, the date deposited, as well as the amount checked out and the date thereof.

The accounts of the State Treasurer shall be so kept as to exhibit the amount received and disbursed on account of each and every budget fund or other fund of the State, and shall be so kept as to show a daily balance as to each of said funds.

The books, records and blanks required to keep the accounts of the office of the State Treasurer shall be formulated and furished under the provisions of the Uniform Accounting Law of the State.

§ 6. That Section 4688a-8, Kentucky Statutes, 1930, Carroll's Edition, as amended by Section 9 of Chapter 50 of the Acts of the 1916 Session of the General Assembly of the Commonwealth of Kentucky, be and the same is hereby amended and as amended shall read as follows:

All State warrants are hereby declared to be negotiable instruments. No warant or note of the Commonwealth of Kentucky shall be subject to taxation by the Commonwealth of Kentucky or any subdivision thereof.

§ 7. That Section 4689, Kentucky Statutes, 1930, Carroll's Edition, be and the same is hereby amended and as amended shall read as follows:

The Auditor of Public Accounts shall date and number consecutively his warrants, beginning the first day of July and ending the thirtieth day of June, inclusive, in each fiscal year, so as to exhibit the number, date and amount of each warrant, on what budget fund issued, and the stub of the warrant shall show the serial number of the warrant, amount,

date and to whom issued. All warrants shall be made payable to bearer. All warrants issued shall show on their face the budget fund from which it is payable.

§ 8. The State Treasurer shall date and number his checks on each of the State depositories in the order in which they are issued, beginning the first day in July and ending the thirtieth day of June, inclusive, in each fiscal year. All of said checks when paid and returned to the State Treasurer by the State depository shall be filed and kept as a part of the records of the office of the State Treasurer.

§ 9. That Section 22 of Chapter 170 of the Acts of the 1926 session of the General Assembly of the Commonwealth of Kentucky, and being Section 1922a-22, Kentucky Statutes, 1930, Carroll's Edition, be and the same is hereby amended and as amended shall read as follows:

The Auditor of Public Accounts shall keep as a part of the records of his office a budget ledger. The Auditor of Public Accounts shall, at the beginning of each fiscal year, credit the budget ledger with the funds, set apart and appropriated by the budget appropriation act to each department, board, commission, institution, office, agency, society, association, service or other administrative organization of the State.

All warrants drawn by the Auditor shall designate the budget fund from which same is payable, and before said warrant is delivered to the person entitled thereto the same shall be entered upon the budget ledger as a charge against the budget fund from which same is payable. The entry shall show the date of the warrant, serial number, to whom issued and the amount thereof.

The Auditor of Public Accounts shall have no power or authority to issue a warrant in excess of any budget fund, and any warrant or warrants so issued shall be illegal, null and void as to the state.

The signature of the Auditor of Public Accounts to a

state warrant shall be construed to be his certificate that the amount of said warrant is within the budget fund for the current year out of which it is payable and that the amount of said warrant has been entered on his budget ledger as a charge against said budget fund. The Auditor of Public Accounts shall be liable on his official bond for the amount of any warrant issued by him in excess of the budget fund from which it is payable.

§ 10. That Sections 4688a-1, 4688a-2, 4688a-3, 4688a-4, 4688a-7, 4697, Kentucky Statutes, 1930, Carroll's Edition, be and each of the aforesaid sections are hereby repealed.

§ 11. Whenever the State Treasurer has sufficient funds on hand in budget funds against which interest-bearing state warrants are outstanding to pay any of said warrants, he shall call for such number of warrants so outstanding by serial number in order in which said warrants were issued, so that the aggregate amount of warrants so called does not exceed the amount of money on hand available for the purpose of paying the warrants so called for payment. The call of the State Treasurer shall be published for ten consecutive days in a daily newspaper published in this state, and no warrant so called for payment shall bear interest after the expiration of said ten days' publication. Nothing herein, however, shall prevent the payment by the State Treasurer of warrants outstanding if presented for payment without awaiting said publication.

§ 12. The State Treasurer shall make a clear, distinct and intelligible report of all money received and disbursed during each fiscal year ending the thirtieth day of June, which report shall be published annually, and which shall exhibit the receipts and expenditures of each year on account of every department of the public service. The annual report of the State Treasurer shall account for each budget fund of the state separately by showing a detailed statement of receipts and expenditures.

The annual report of the State Treasurer shall give the

name of each state depository, together with the amount of money deposited and the rate of interest paid by each of said depositories, and shall account to the state for all interest collected upon state funds deposited in state depositories.

The annual report of the State Treasurer required by this section shall be prepared and transmitted to the General Assembly by the sixth day of each regular session thereof.

§ 13. The provisions of this act shall not be construed to affect the validity of any state warrant or warrants issued and outstanding prior to July 1, 1932, or the provisions for the payment of interest thereon under Section 4688a-6, Kentucky Statutes, 1930, Carroll's Edition, as amended by Section 7 of Chapter 50 of the Acts of 1916 session of the General Assembly of the Commonwealth of Kentucky.

§ 14. The State Treasurer shall have no power or authority to pay any warrants issued in a former fiscal year or years out of any budget funds other than the budget fund provided in the budget for the payment of said warrants so outstanding.

§ 15. This act shall not become effective until the first day of July, 1932.

§ 16. If any section, paragraph or provision of this act should be declared unconstitutional, the invalidity of such provision, paragraph or section shall not be construed to affect the validity of the remaining provisions, paragraphs and sections of this act; it is declared to be the legislative intent to enact each provision, paragraph and section of this act separately.

§ 17. All acts and parts of acts in conflict herewith are hereby repealed.

By Senator Rogers.

S. B. 36. An Act relating to the licensing of the busi-

ness or occupation of contracting painting or decorating, in cities of the first and second class and requiring such contracting painter or decorator to obtain permits from said city and making it the duty of said city to issue permits before doing any painting or decorating and providing penalties for the violating of said act.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to engage in, carry on or conduct the business of contracting painter or decorator in cities of first and second class of the Commonwealth of Kentucky without first having obtained a license to do so. The term "person" for the purpose of this act shall be construed to mean any individual, firm, association or corporation. Any person engaged in the business of painting or decorating for a total fixed amount of compensation shall be considered to be a painter or decorator within the meaning of this act.

§ 2. Every person desiring to secure such license shall make application to the city in which he proposes to operate for a license, on blank forms to be supplied by said city. Such application shall state the name, business and residence address of the applicant, and if the applicant is a firm, association or corporation the names of its officers and their residences and the name of the person who will be in charge of his business, and the name under which the business is to be conducted in said cities.

§ 3. The annual license tax for persons engaged in carrying on or conducting the business of contracting painter or decorator shall be $50.00 to said city in which the said person proposes to do business.

§ 4. This act shall not apply to the United States Government, State, County, School District, City or their agencies or to any individual personally painting or decorating their own property, or to any person or persons that employ maintenance men by the year to perform painting or decorating on their own industrial property, or to any person or persons that employ men to perform painting or decorating in factories or shops.

§ 5. Any person violating or refusing to comply with any provision of this act, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than $10.00 nor more than $100.00, or by imprisonment in the county jail for a term not exceeding 30 days, or by both fine and imprisonment, and each day during said violation or refusal shall continue, shall constitute a separate and distinct offense.

§ 6. It shall be the duty of each contracting painter or decorator to first obtain a permit from the city to do any painting or decorating, and it shall be the duty of said city to issue such permits.

§ 7. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

By Senator Holloway.

S. B. 37. An Act creating a Board of Censors of motion picture films, providing for the appointment of the members thereof by the Governor of the Commonwealth of Kentucky, fixing the terms and salaries of its members, providing for the payment of the expenses of such Board, fixing the fees to be charged by such Board, providing for the disposition of the funds collected regulating the censorship and exhibition of motion pictures in Kentucky, prohibiting discrimination in favor of or against competing exhibitors having the same or similar accommodations and facilities in the exhibition thereof, and providing penalties for the violation of this Act.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created in the State of Kentucky a Board of Censors of motion picture films. Said Board shall be composed of two persons, who shall be appointed by the Governor of the Commonwealth of Kentucky, for three years, who shall constitute such Board. Upon the expiration of the term of each member so appointed, a successor shall be appointed in like manner, for a term of three (3) years.

§ 2. The said Board of Censors may organize by electing one of its members as President and the other as Secretary thereof. Each member of the Board of Censors shall receive an annual salary of eighteen hundred ($1,800.00) dollars per year. Such salary and expenses shall in no case exceed the fees paid to the said Board of Censors for examination and approval of motion picture films. Said Board of Censors shall have the right to rent suitable office rooms and to purchase sufficient equipment to properly carry out the provisions in this Act.

§ 3. Said Board shall appoint such other assistants, as may be necessary to carry on the work of said Board. All expenses incurred by said Board shall not exceed the fees paid to said Board of Censors for the examination and approval of motion picture films. All amounts collected by said Board shall be paid over to the Treasurer of Kentucky at the end of each week. Such fees so paid shall be credited to the general revenue fund. If the amounts collected by said Board, under the schedule of fees herein fixed, shall be insufficient to pay the salaries and expenses of said Board of Censors, said Board of Censors, with the approval of the Governor, shall have the right at any time within its discretion, to increase the fees charged for censoring motion picture

films, by not more than fifty (50) per cent. of the amount fixed herein. Said Board shall adopt reasonable rules and regulations to accomplish its work.

§ 4. It shall be the duty of the Board of Censors to examine and censor, as herein provided, all motion picture films to be publicly exhibited and displayed in the State of Kentucky, and when necessary, the Board of Censors may designate certain assistants, appointed by them, who under the direction and supervision of the Board may examine motion picture films. Such films shall be submitted to the Board and passed and approved by the Board, before they shall be delivered to the exhibitor for exhibition. The Board shall charge a fee of one dollar and a half ($1.50) for each reel of film to be censored, which does not exceed one thousand (1,000) lineal feet, and the same sum for each fractional part thereof, and shall have the right to increase said charge upon the terms herein stated.

§ 5. Only such films as are in the judgment and discretion of the Board of Censors of a moral, educational, amusing and harmless character shall be passed and approved by such Board. When a film has been censored by the Board of Censors, a certificate showing the approval or rejection of such film shall be issued to the party submitting the film. When a film is passed and approved by the Board of Censors, such film shall be given an approval number, which shall be shown on the certificate issued by such Board of Censors to the party submitting the film. Such certificate shall also show the title of such film and all eliminations ordered from such films by the Board of Censors. For each film so approved there shall be issued by the Board of Censors an official leader or stamp of approval of not less than five (5) feet in length, bearing the words:

"Approved by the Kentucky Board of Censors" and the number assigned to such film on the certificate of approval. The Board of Censors shall be authorized to recall any film for recensoring, or to revoke any certificate permitting the exhibition of any film in the State of Kentucky, whenever in

the judgment of such Board, the public welfare requires it. Before any motion picture film shall be publicly exhibited, all eliminations ordered by the Board shall be made by the person or persons loaning, renting or leasing said film or films to the exhibitor for exhibition, and there shall be projected upon the film the designation of the official leader or stamp of approval, not less than three (3) feet in length, issued by the Board for such film.

§ 6. The Board of Censors may work in conjunction with any Censor Board or Boards of legal status of other States as a Censor Congress, and the action of such congress in approving or rejecting films, when approved by said Board, shall be considered as the action of the Board, and all films passed, approved, stamped and numbered by said congress, and approved by said Board, when the fees therefor have been paid to the Kentucky Board, shall be considered approved by said Board.

§ 7. After this Act shall take effect, no films may be publicly shown or exhibited within the State of Kentucky, unless they have been passed and approved by the Board, or by the Censor Congress and approved by said Board, and stamped and numbered by said Board or Congress, as provided for herein.

§ 8. Any person, firm or corporation, who shall publicly exhibit or show any motion picture within the State of Kentucky, unless it shall have been passed and approved by the Kentucky Board of Censors, shall, upon conviction, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for the first offense, and shall be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for each separate offense. Any person, firm or corporation acting as a distributor of motion picture films, who shall loan, rent, lease or deliver any film or films to any exhibitor or other person for public exhibition within the State of Kentucky, before such film or films shall have been passed or approved by the Kentucky

Board of Censors, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and shall be fined not less than five hundred ($500.00) dollars nor more than one thousand ($1,000.00) dollars for each subsequent offense. Any persons, firms or corporation acting as a distributor of motion picture films, who shall loan, rent, lease or deliver any films to any exhibitor or other person for public exhibition in the State of Kentucky before eliminations ordered by the Kentucky Board of Censors have been made, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and not less than five hundred ($500.00) dollars nor more than one thousand ($1,000.00) dollars for each subsequent offense. Any person, firm or corporation, who shall publicly exhibit or show any motion picture film within the State of Kentucky without having first projected upon the screen the design of the official leader or stamp of approval of not less than three (3) feet in length, assigned to such film as shown on the certificate issued by the Board of Censors, shall, upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for each offense. Any person, firm or corporation acting as a distributor of motion picture films, who shall deliver to any exhibitor or other person for public exhibition within the State of Kentucky, any motion picture film, to which is not attached or which is not accompanied by the leader of approval of not less than three (3) feet in length, assigned to such film as shown on the certificate issued by the Board of Censors, shall, upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for each offense. Any person, firm or corporation, who shall publicly exhibit or show within the State of Kentucky any motion picture, that contains parts or sections that have been ordered eliminated by the Kentucky Board of Censors, or that contains any part or parts, which have been added to the motion picture after the same has been censored and approved by the Kentucky Board of Censors, shall, upon conviction thereof, be

fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for the first offense, and shall be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for each subsequent offense. Any person, firm or corporation, who is a distributor of motion picture films, who shall loan, rent, lease or deliver any film or films to any exhibitor or other person for public exhibition within the State of Kentucky, which film or films contain parts or sections, that have been ordered eliminated by the Kentucky Board of Censors, or shall contain any part or parts, that have been added after the original film or films have been censored and approved by the Kentucky Board of Censors, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and shall be fined not less than five hundred ($500.00) dollars nor more than one thousand ($1,000.00) dollars for each subsequent offense. Any person, firm or corporation, who shall publicly exhibit or show within the State of Kentucky any motion picture film, when the certificate permitting the exhibiton thereof has been revoked, under the provisions hereof, shall, upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for the first offense, and not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for each subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films, who shall loan, rent, lease or deliver to any exhibitor or other person for public exhibition within the State of Kentucky any motion picture film, when the certificate permitting the exhibiton thereof has been revoked, under the provisions of this Act, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and not less than five hundred ($500.00) nor more than one thousand ($1,000.00) dollars for each separate subsequent offense.

§ 9. Any person, firm or corporation, acting as a distributor of motion picture films, who shall discriminate in favor or against competing exhibitors having the same or

similar accommodations and facilities in granting the right of exhibition of any motion picture films submitted to, approved by and censored by the Kentucky Board of Censors, after same have been censored by said Board, shall, upon conviction thereof, be fined not less than one thousand ($1,000.00) dollars nor more than three thousand ($3,000.00) dollars for the first offense, and not less than two thousand ($2,000.00) dollars nor more than four thousand ($4,000.00) dollars for each separate subsequent offense, and such discrimination shall be ground for the revocation by said Board of the certificate, issued by said Board, and of the right to exhibit same in Kentucky under said permit, theretofore issued by it.

§ 10. The provisions of the Act are severable, and if any of its provisions or any penalty provided therein shall be held unconstitutional, such provisions or the particular penalty held to be invalid may be rejected without affecting the remainder of the Act, or such part of the penalties as are not held to be invalid, and the decisions of the Courts shall not affect or impair the remaining provisions of this Act, or any of the other penalties in this act provided. It is hereby declared as a legislative intent, that this Act would have been adopted had such unconstitutional provisions or such invalid penalties not been included therein.

§ 11. All laws or parts of laws in conflict therewith are hereby repealed, to the extent of such conflict.

§ 12. This Act shall take effect from and after its passage and approval by the Governor, as required by law.

By Senator Stephenson.

S. B. 38. An Act to amend and re-enact section seven hundred and forty-five (745) of the Civil Code of practice.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 745 of the Civil Code of Practice be

and it is hereby amended and re-enacted and as amended and re-enacted shall read as follows: An appeal shall not be granted except within six months next after the right to an appeal first accrued, unless the party applying therefor was then a defendant in the action, and an infant not under coverature; or of unsound mind; or a prisoner who did not appear by his attorney, in which case an appeal will be granted to such parties, or their representatives, within one year next after their death or the removal of their disabilities, which ever may first happen.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

By Senator Gates F. Young.

S. B. 39. An Act to repeal sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of the General Assembly of 1914, being a portion of the act providing for the Commission Form of Government for cities of the Third Class, and the sections repealed by this Act are now sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10 and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof, that the Mayor, Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the Third Class, shall be nominated and elected as now provided by law for the nomination and election of state and county officers.

To Committee on Suffrage and Elections.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of 1914, relating to the Commission Form of Government of the cities of the Third Class, being now sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10 and

3480b-26 of Kentucky Statutes, Carroll's Edition of 1930, be and they are hereby repealed and the following enacted in lieu thereof:

§ 2. The Mayor, Police Judge, Prosecuting Attorney of the Police Court, and City Commissioners, shall be nominated and elected in the manner provided by the general election laws and general primary law of the State of Kentucky for the nomination and election of state and county officers.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Van Hoose.

S. B. 40. An Act requiring all county and state officers to issue official receipts, serially numbered, for all collections of money made in an official capacity, prescribing the method of issuing the receipts and fixing the penalty for violations.

To Committee on Criminal Law.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person, whether the head official officer or any state department or institution, or his assistant, or any clerk or other employee of said department or institution, or any county official, shall issue an official receipt for any money received by him as representative of said department or institution or office, and it shall be unlawful for any person to receive or accept any fees, licenses, taxes, or other money due any department, institution or officer without issuing and delivering to the person paying said money an official receipt duly signed in his official capacity and showing the name of the person paying the money, the amount, the nature and the date of payment.

The official receipts shall be issued in duplicate, the original copy being written in ink and the duplicate a carbon copy. The carbon copy shall be delivered to the person paying the money and the original retained in the records of the office, department or institution, or delivered to the state auditor of public accounts as otherwise provided by law, provided this section shall not change the methods now in use by sheriffs or other collectors of taxes on property previously assessed, or the auditor of public accounts. The receipts shall be issued serially and all members shall be properly accounted for.

Any department or institution having field representatives authorized to receive monies shall furnish such representatives with official receipt forms and shall keep an accurate record of such forms furnished each representative and accounted for by him.

It shall be unlawful to issue any receipt except upon the official form duly adopted by the department or institution or officer and bearing the proper serial number.

It is the intention of this law that all entries of cash receipts entered in the cash records of any department, institution, or county office be supported by official receipts, numbered in such a way that all receipts may be accounted for.

Each officer shall keep an adequate record of all blank forms received supported by proper invoices or bills and of all forms used.

Any person violating the provisions of this law shall be fined fifty dollars for each offense and each separate transaction shall be a separate and additional offense subject to the penalty. Any officer who violates this law shall be subject to removal from office.

By Senator Van Hoose.

S. B. 41. An Act relating to redemption of land sold

for taxes and possession of same, to collection of delinquent taxes and to the duties of County Judges, Sheriffs, County Clerks and County Attorneys, amending Section 4151-2, Kentucky Statutes, Carroll's 1930 Edition.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4151-2, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby now amended by striking therefrom the words "with interest at the rate of ten per centum (10%) per annum and in addition fifteen per centum (15%) penalty upon the total amount of the purchase price," so that said section as thus amended will read as follows:

Section 4151-2. Land Sold for Taxes—Redemption—Possession—Clerk May Collect Delinquent Tax—Duties of County Judge—Sheriffs—Clerk—County Attorney. When real estate is sold for taxes, if no one will bid for and purchase such real estate at the amount of tax, interest, penalty and cost, including the cost for advertising and the sheriff's or collector's commission, it shall be the duty of the sheriff or collector, to purchase the same for the state, county and taxing district having taxes against the delinquent for the amount of tax due, interest, penalty, costs and commissions thereon, and he shall make return to the county clerk as provided in Section 4162 of Article 8, and the clerk shall certify same to the Auditor of Public Accounts, and the sheriff or collector shall have credit for the amount of such tax due the state in the settlement with the Auditor of Public Accounts. Provided, same are certified to the Auditor of Public Accounts on or before the first day of June next after said tax became delinquent. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the state, county and district or any other purchaser at the

time within two years after the day of sale, by paying the purchase money and the amount of all costs. The state, county and district shall have the right to possession of lands purchased by them at any time after the expiration of thirty days from the giving of the notice provided for in the next section, and the purchaser, other than the state, county or district, shall have the right to the possessions of the lands purchased by him at any time after the expiration of six months from the giving of the notice provided for in Section 4153. In the redemption of land sold to the state, county, and district for delinquent taxes at any time within the period of two years after the sale, or until the revenue agent, under the direction of the Auditor of Public Accounts, assumes charge of the collection by sale or otherwise, the county clerk is hereby vested with the authority to collect such delinquent taxes, interest, cost, commissions and penalties as prescribed by law, and he shall make report thereof to the Auditor of Public Accounts, the treasurer of the county and the proper officer of the district as often as the latter officers may require, and not less than once in every thirty days; and he shall pay into the state treasury all moneys collected by him due the state, and the county treasury all moneys due the county, and all moneys due the district to the proper officers thereof, as herein authorized, on the first day of every month and oftener if required by the Auditor of Public Accounts or either of the officers mentioned. Said report of the county clerk showing the name of each owner and each piece of property redeemed, the year's taxes for which delinquent, the assessed valuation for the same for each year, and the total amount paid to the state, county and districts for redemption shall be examined by the judge of the county court, and if found correct certified to the Auditor of Public Accounts; together with the total sum the state, as shown on said report, less five per centum (5%) commission for the collection which he shall retain for his services.

By Senator Van Hoose.

S. B. 42. An Act authorizing the Board of Regents of the Morehead State Teachers College to acquire by gift cer-

tain property in Johnson County and thereto to establish, operate and maintain a Normal School and Teachers College at Paintsville, in Johnson County, Kentucky, under the name of "John C. C. Mayo College of the Morehead State Teachers College."

To Committee on Kentucky University and Normal Schools.

Said bill reads as follows:

Whereas, there has been a college operated by the West Virginia Conference of the M. E. Church, South, at Paintsville, Johnson County, Kentucky, for the past twelve years; and

Whereas, the said college was named in honor of the late John C. C. Mayo of Paintsville, Kentucky, who donated the property consisting of forty acres of land, more or less, together with the buildings and improvements thereon, equipment and furnishings therein, conservatively valued at approximately $500,000.00; and

Whereas, said church has ceased the operations of the said school; and

Whereas, the citizens of the Big Sandy and Licking River Valleys desire the college to be operated as a Normal School and Teachers College under the management and control of the Morehead State Teachers College; and

Whereas, there is no other state college located in the eastern section of Kentucky closer than the Morehead State Teachers College; and

Whereas, the city of Paintsville, Kentucky, is located at the intersection of the Mayo Trail and the Garrett Highway, on the C. & O. Railway and the Big Sandy River, making the proposed college easily accessible to the people of this section of Kentucky; and

Whereas, this proposed John C. C. Mayo College would in nowise conflict with the said Teachers College at Morehead, Kentucky, or any other of the state colleges; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Board of Regents for the Morehead State Teachers College are hereby empowered and authorized to accept a gift of about forty acres of land, more or less, together with the buildings and improvements thereon, equipment and furnishings therein, said property being located in Paintsville, Johnson County, Kentucky, or any part thereof in the name of the Commonwealth of Kentucky, and the said Board of Regents are hereby authorized and empowered to establish, operate and maintain a Normal School and Teachers College at Paintsville, Johnson County, Kentucky, under the name of "John C. C. Mayo College of the Morehead State Teachers College."

By Senator VanHoose.

S. B. 43. An Act to amend section 2739g-2 of Carroll's Kentucky Statutes, 1930 Edition, relating to the registration and fees of automobiles and trucks, application to county clerk and to bills of sale.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Whereas, several thousands of owners of automobiles and trucks live on dirt roads in such condition that they are impassable for several months in the year; and

Whereas, these owners are thus deprived of the use of said cars or trucks during such time; and

Whereas, under present laws they are now required to pay license fees for the full year whether in use or not; now therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2739g-2 of Carroll's Kentucky Statutes, 1930 edition, be and the same is hereby amended by adding the following words, "Provided further that in the event the owner of any automobile or truck is prevented from operating such automobile or truck for any portion of the year said owner shall not be required to register said automobile or truck until such time as it is placed in use by the owner and the license fee shall be for only that portion of the year remaining at the time of the registration. In such event the owner of said automobile or truck shall file with the clerk an affidavit setting forth the reasons for such non-use, the place and time of storage of said automobile or truck and such other information as the Automobile Department may require. Any owner of an automobile or truck, who shall make false statements in regard to the facts shall be guilty of false swearing and subject to such penalties as are provided by law."

Said section, when so amended, is hereby re-enacted and shall read as follows:

Before the owner or operator of an automobile shall operate or be permitted to operate same, or shall permit the operation of same upon any public highway, such owner shall register with the commission through the clerk in the county in which he resides or in the county in which the automobile is to be operated, making application for such registration to the clerk of such county on a blank to be furnished by the commission through the clerk, which application shall be accompanied by a bill of sale, if the application be for registration of a new car, or by exhibiting the owner's registration receipt if such automobile has theretofore been registered, and thereafter he shall register his automobile on or before the first day of January of each and every year. Provided, that in so far as the owner is concerned, registration with the clerk as required by law shall be deemed to be a registration with the commission. Provided further that in the event the

owner of any automobile or truck is prevented from operating such automobile or truck for any portion of the year, said owner shall not be required to register said automobile or truck until such time as it is placed in use by the owner and the license fee shall be for only that portion of the year remaining at the time of registration. In such event the owner of said automobile or truck shall file with the clerk an affidavit setting forth the reasons for such non-use, the place and time of storage of said automobile or truck and such other information as the Automobile Department may require. Any owner of an automobile or truck, who shall make false statements in regard to the facts, shall be guilty of false swearing and subject to such penalties as are provided by law.

By Senator VanHoose.

S. B. 44. An Act to add a road to the Primary Road System of the Commonwealth of Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established and created as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning on U. S. Route No. 23, at the Tom's Creek bridge, thence down Tom's Creek to Mingo, intersecting with the Preston Trail at Mingo.

The maintenance, construction, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17 of the Acts of the General Assembly of 1920, establishing and creating the primary system of roads and highways of this Commonwealth.

By Senator VanHoose.

S. B. 45. An Act to repeal chapter 20 of the Acts of the General Assembly of 1930, relating to the establishment of a Judicial Council of the Commonwealth of Kentucky and providing for its duties and expense.

To Committee on Judiciary.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 20 of the Acts of the General Assembly of 1930 be and the same is hereby repealed.

By Senator Yates.

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any County in which its county seat is a city of the fifth or sixth class, and which is adjacent to or conveniently near any other county in which there is now and hereafter established in such county a Community Hospital, which is adjacent to or conveniently near any other county in which there is a Community Hospital, the County Board of Health of the first named county is hereby authorized and it is hereby made its duty to make and enter into a contract with the governing authority of any Community Hospital situated in a county adjacent thereto or conveniently near the same, for county purposes for the care and treatment and hospital bills

of any indigent persons, bona fide residents of such county, until such county may establish a Community Hospital within said county and until such time as the County Hospital may be established as authorized by Chapter 88 of the Acts of the General Assembly of 1924.

It shall be the duty of the County Board of Health of any county adjacent to or conveniently near another county in which there is established and in operation a Community Hospital, on or before the first day of April, 1932, and each year thereafter to contract with the governing authority of such Community Hospital for the support and maintenance of indigent patients in such hospital and to ascertain and report to the Fiscal Court of such county the estimated amount needed for that purpose for the next year; this annual budget shall be submitted in writing to the county clerk, not less than ten days before the first day of April in each year, by the County Board of Health. The County Board of Health shall present this annual budget to the Fiscal Court when it convenes to make the annual county levy. When this annual budget has been submitted to the Fiscal Court, it shall be the duty of the Fiscal Court to provide sufficient funds to pay said budget by the levying and collection of a collection of a tax of not exceeding five cents of the fifty cents authorized by law to be levied for county purposes on the $100.00 as a contribution for the County Hospital purposes, and for the payment of the budget recommended and demanded by the County Board of Health as herein provided and the same shall not be appropriated or used for any other purpose during the life of the contract herein provided for, and when said funds are collected by the County Treasurer, he shall pay the same over to the treasurer or governing authority of said hospital.

All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Yates.

S. B. 47. An Act amending and re-enacting Section 14

of Chapter 19 of the Acts of 1916, being an act entitled: An Act for Further Regulation of Fire Insurance Companies, Agents, Rates, Fire Prevention, etc., providing for the Statement with Application for License for Agent, defining and enlarging powers and duties of the Insurance Commissioner in relation thereto, and repealing all laws in conflict herewith; approved March 15, 1916; which is now Section 762a-14, Carroll's Kentucky Statutes.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 14 of Chapter 19 of the Acts of 1916, approved March 15, 1916, which said section is now Section 762a-14, Carroll's 1922 Kentucky Statutes, be and the same is hereby amended and re-enacted so that when amended and re-enacted said section will read as follows:

§ 1. An insurance agent is hereby defined to be an individual, copartnership or corporation duly authorized in writing by an insurer lawfully qualified to transact the business of fire insurance in this state, to solicit, negotiate or effect contracts of insurance. If a copartnership or corporation is an insurance agent, as above defined, the members of such copartnership and all officers and stockholders of such corporation who actually solicit, negotiate or effect contracts of insurance shall be required to qualify as agents under this act in lieu of the copartnership or corporation. Any person authorized by any of the above mentioned agents, corporations, copartnerships or individuals to solicit fire insurance, shall also be required to qualify as agent under this act. This Act shall not apply to any executive officer or traveling salaried employee of any insurer subject to this Act.

§ 2. Any person desiring as agent, as above defined, to

engage in the fire insurance business, as herein set out, shall first apply to the Insurance Commissioner of this state in the manner hereinafter prescribed, for an insurance agent's license, authorizing such agent to engage in and transact such business. The applicant for such license shall file with the Insurance Commissioner his or her written application for a license authorizing him or her to engage in the fire insurance business and shall further file a statement signed by an official or representative of any insurer lawfully authorized to transact business in this state, which said statement shall contain answers to such interrogatories as the Insurance Commissioner may require, on uniform forms and supplements prepared by him, which shall set forth:

(a) That the applicant is personally known to him;

(b) That the applicant has had experience or instruction in the fire insurance business, or will be given competent instruction therein;

(c) That the applicant is of good business reputation and is worthy of a license, that he will not rebate any part of the premium or commission or offer any valuable consideration as an inducement to take insurance other than that clearly expressed in the policy, and if he signs policies, that he will maintain an office within this Commonwealth and keep therein at all times a complete, permanent record of all applications for and policies of insurance placed by or through him, and will not sign any policies in blank to be issued outside of his office, and that he is a bona fide resident of this Commonwealth.

The applicant shall further file his affidavit that he will not rebate any part of the premium of commission or offer any valuable consideration as an inducement to take insurance other than that clearly expressed in the policy, and if he signs policies, that he will maintain an office within this Commonwealth and keep therein at all times a complete, permanent record of all applications for and policies of insurance placed by or through him, and will not sign any policies in blank to

be issued outside of his office, and that he is a bona fide resident of this Commonwealth.

§ 3. Each such first-time applicant for license before being permitted to take the examination herein provided for shall deposit with the Insurance Commissioner, or his proper deputy, an examination fee of $5.00, the fees thus collected to be used exclusively to defray the actual cost of the examinations herein provided for.

§ 4. It shall be the duty of the Insurance Commissioner or his deputy to subject each first-time applicant for license to examination as to his or her qualifications to act as such agent. Such examinations shall be reasonable, shall be in writing and shall cover the following subjects: The contents and interpretation of the fire insurance policy contracts in use in Kentucky; the rights and duties of an agent as they affect the insurance companies he represents and the public. The answers of the applicants to the questions propounded to them shall be graded by the Insurance Commissioner, and no such applicant shall be granted license unless he or she obtains seventy-five per cent as a general average. If the Insurance Commissioner shall be satisfied from said examination and from the other evidence before him that the applicant is of good business reputation and a proper person to be licensed, and that the granting of a license to such applicant will not be injurious to the public interest, the Insurance Commissioner shall issue to the applicant an insurance agent's license to transact business in this state on the behalf of any insurer certifying the applicant's name. Such examinations shall be held one each month at such times and places as shall be designated by the Insurance Commissioner, due announcement thereof to be made by him; and the places for such examination shall be chosen from time to time so as to be as convenient as practicable to the homes or places of business of the applicants. In case for any reason it shall be difficult or impossible for an insurance company to procure an agent who is properly qualified as hereinabove provided, a temporary license may be issued to act as insurance agent to one

who complies with the provisions of Section 2 hereof, such license to be valid for such period of time as the Insurance Commissioner shall determine, but in no event to be valid beyond the time for grading and certifying the grades of the examination questions of the next examination held at a place convenient to the home or the place of business of said applicant. In case the holder of such temporary license shall pass said examination and comply with all the other requirements of this act, he shall thereupon be granted the regular insurance agent's license herein provided.

A first-time applicant shall be construed to mean a person to whom no license to act as a fire insurance agent under the laws of the State of Kentucky has theretofore been issued.

§ 5. The Insurance Commissioner, after twenty days' notice of his intention so to do, given in writing to the agent and the company, or companies, represented by him or her, shall have the right to revoke or suspend for a definite period of time any license in the event that investigation by him discloses that the holder of such license has committed any of the following acts or omissions:

(a) Violation of any provision of law relating to the conduct of his business:

(b) Willful making of a material misrepresentation in the application for the license;

(c) Fraud of any sort practiced in the securing of the license;

(d) Commission of a fraudulent practice, or fraudulent practices, in conduct of the agent's business;

(e) Demonstrated incompetency or untrustworthiness on the part of said agent;

(f) Commission of a felony as shown by final judgment of conviction; or

(g) Any act or practice in connection with his duties as such agent which indicate unfitness to act as such agent.

Within thirty days after the revocation or suspension of a license, or after the refusal of a license, the person aggrieved shall have the right to petition the Circuit Court of Franklin County to require the reinstatement or issuance of said license. Within thirty days after the granting of a license, or the refusal by the Insurance Commissioner to revoke or suspend a license, any person aggrieved thereby shall have the right to petition the Circuit Court of Franklin County to revoke, suspend or refuse to grant such license; and for the purpose of taking such action persons aggrieved shall include insurance companies injured, or competitors injured or threatened with injury by any of the illegal or improper conditions or practices denounced herein. Any issue tried before the Franklin Circuit Court under this section of the Act shall be tried de nova in this court.

§ 6. In case any word, clause, sentence or section of this Act shall be held unconstitutional, such unconstitutionality shall not invalidate the remainder of this Act; it being the legislative intention to pass the remainder of such Act regardless of such partial invalidity.

§ 7. None of the provisions of this Act shall apply to Mutual Companies or Reciprocal or Inter-insurance Exchanges, their attorneys-in-fact, or agents, or other representatives.

§ 8. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Franklin.

S. B. 48. An Act authorizing, empowering and directing the Governor to cause an audit, study and survey of all the departments, institutions, boards, commissions and agencies of the Commonwealth; empowering him to employ auditors,

accountants, clerks, bookkeepers, attorneys and all other persons necessary to make said audit, study and survey, defining the scope or character of same, and appropriating the sum of one hundred and fifty thousand dollars ($150,000.00) to be used by the Governor in carrying out the purpose of the Act.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this Commonwealth is hereby authorized, empowered and directed to cause to be made a full, thorough, comprehensive and complete audit, study and survey of all the departments, institutions, boards, commissions and agencies of this Commonwealth. To this end he is now specifically authorized, empowered and directed to employ such reputable, qualified and experienced accountants, auditors, clerks, bookkeepers, attorneys, and any and all other persons that may be necessary to carry out, as expeditiously as possible, the duties imposed upon him by this Act.

The audit, study and survey herein provided for shall extend back over such a period of years as will reveal the true financial condition of the Commonwealth, and of every department thereof, and shall be of such character as to ascertain waste, duplication of effort, useless offices, faulty or inadequate systems of bookkeeping, improper budgeting and any and all other facts that may aid in placing the Commonwealth upon a sound financial basis.

Upon completion of said audit, study and survey, the Governor shall make a detailed report thereof to the General Assembly, together with his recommendations concerning the same.

There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of one

hundred and fifty thousand dollars ($150,000.00) to be used by the Governor in performing the duties required by this Act. Said funds shall be paid out of the State Treasury on warrants drawn by the State Auditor upon proper certification by the Governor.

Whereas, the amount of the outstanding indebtedness against the Commonwealth is now unknown, but is increasing from year to year, and,

Whereas, the happiness and prosperity of our people depend largely upon sound financial and economic policies which can be definitely outlined and determined only after the true financial condition of our Commonwealth is revealed,

Now therefore, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

By Senator Hamilton.

S. B. 49. An Act relating to public officers of the Commonwealth of Kentucky.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Membership in or affiliation with any political party shall not be considered, and shall not be, any part of the qualifications of any person for appointment to or the holding of any public appointive office of the Commonwealth of Kentucky.

All laws or parts of laws in conflict herewith, to the extent of such conflict, are hereby repealed.

By Senator Hamilton.

S. B. 50. An Act to make valid and enforceable written provisions or agreements for the arbitration of disputes.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Validity of Arbitration Agreements. A provision in any written contracts to settle by arbitration a controversy thereafter arising out of such contract, or out of the refusal to perform the whole or any part thereof, or an agreement in writing between two or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit, shall be valid, irrevocable and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract; provided, however, that the provisions of this Act shall not apply to collective contracts between employers and employees, or between employers and associations of employees, in respect to terms or conditions of employment.

§ 2. Stay of Proceedings Brought in Violation of Arbitration Agreement. If any suit or action or other proceeding be brought upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

§ 3. Remedy in Case of Default—Jurisdiction—Petition and Notice—Hearing and Proceedings. The party aggrieved

by the alleged failure, neglect or refusal of another to perform under a written agreement for arbitration may petition any circuit court of the county where either party resides for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of a summons. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded the court shall hear and determine such issue. Where such an issue is raised, either party may, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury called and impanelled in the manner provided for the trial of equity actions. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceedings shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

§ 4. Appointment of Arbitrators. If, in the agreement, provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or an umpire, or in filling a vacancy, then upon the application of either party to the controversy the circuit court aforesaid of

any circuit court of the county in which the arbitration is appointed to be held shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and, unless otherwise provided in the agreement, the arbitration shall be by a single arbitrator.

Such application shall be served in the manner provided for applications made under section three of this Act.

§ 5. Witnesses—Summoning—Compelling Attendance. When more than one arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all parties shall agree to proceed with the hearing with a less number. The arbitrators selected either as prescribed in this Act or otherwise, or anyone of them, may summon in writing any person to attend before them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses in the circuit court of this State. Subpoenas shall issue in the name of the arbitrators, and shall be signed by one or more of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the court. If any person or persons so summoned to testify or to produce evidence shall refuse or neglect to obey said subpoena, upon petition any circuit court in and for the county in which such arbitrators are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the circuit courts of this State.

§ 6. Deposition. Upon petition, approved by the arbitrators, or by a majority of them, any circuit court of the county in which an arbitration is appointed to be held or in

which the arbitrators, are sitting, may direct the taking of depositions to be used as evidence before the arbitrators, in the same manner and for the same reasons as provided by law for the taking of depositions in suits or proceedings pending in the circuit courts of this State.

§ 7. Award. The award shall be in writing and signed by the arbitrators or by a majority of them.

§ 8. Motion to Confirm Award—Jurisdiction—Notice. At any time within one year after the award is made any party to the arbitration may apply to any circuit court of the county in which the award was made, or the county where either party resides, for an order confirming the award, and thereupon the court shall grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. Notice in writing of said application shall be served upon the adverse party or his attorney five days before the hearing thereof and shall be served in the manner provided by law for the service of a summons.

§ 9. Motion to Vacate Award—Grounds—Rehearing. In either of the following cases any circuit court of the county where in the award was made, or of the county where either party resides, shall make an order vacating the award upon the application of any party to the arbitration:

(a) Where the award was procured by corruption, fraud or undue means.

(b) Where there was evident partiality or corruption on the part of the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so

imperfectly executed them that a mutual, final and definite award upon the subject matter submitted was not made.

Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

§ 10. Motion to Modify or Correct Award—Grounds. In either of the following cases any circuit court of the county wherein the award was made or of the county wherein either party resides shall make an order modifying or correcting the award upon the application of any party to the arbitration.

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order must modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

§ 11. Judgment Upon Award. Upon the granting of an order confirming, modifying or correcting an award, judgment may be entered in conformity therewith in the court wherein the order was granted.

§ 12. Notice of Motions—When Made—Service—Stay of Proceedings. Notice of a motion to vacate, modify, or correct an award shall be served upon the adverse party or his attorney within three months after the award is delivered, in

the manner provided by law for service of summons in a civil action. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

§ 13. Record—Filing—Judgment—Effect and Enforcement. Any party to a proceeding for an order confirming, modifying or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement, the selection or appointment, if any, of an additional arbitrator or umpire, and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

§ 14. Appeals. An appeal may be taken from an order confirming, modifying, correcting or vacating an award, or from a judgment entered upon an award, as from a final order or judgment in an action in a circuit court.

§ 15. Public Contracts. It shall be lawful for any officer, board or commission of the State of Kentucky, or of any

county, municipality or other subdivision thereof, having authority to enter into contracts for the furnishing of material or labor or the performance of work, or to make any other contract involving money or money value, to provide in such contracts for the settlement by arbitration of any controversies arising thereunder.

§ 16. Title of Act. This Act may be referred to as "The Kentucky Arbitration Act."

§ 17. Application. This Act shall not apply to contracts made prior to its enactment.

§ 18. Inconsistent Acts Repealed. Section 451, subsections 1 to 3, both inclusive, and subsections 5 to 9 inclusive, of the Civil Code of Practice and Sections 69 to 73, of the Kentucky Statutes, both inclusive, and all other Acts or parts of Acts in conflict herewith, to the extent of such conflict, are hereby repealed.

By Senator Hamilton.

S. B. 51. An Act to amend and re-enact Section 4 of Chapter 49 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky.

To Committee on Suffrage and Elections.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4 of Chapter 49 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky be amended and re-enacted by striking therefrom the following language, to-wit:

"When the hour for closing the polls shall arrive, any voter or voters, then and there present or near the polls and

desiring to vote, the officers of the election shall permit such voter or voters to vote, and shall for that purpose, extend the time, not exceeding thirty minutes, or until all such voters have voted. After all voters have voted, and the time to close has arrived,''

And by inserting in lieu thereof the following words and figures, to-wit:

''When the hour of 4:00 p. m. has arrived,'' so that said section, amended and re-enacted, shall read as follows, to-wit:

''Sec. 4. When the hour of 4:00 p. m. has arrived, the officers shall announce the same at the door of the voting room and close the polls. They shall then go and take charge of the ballot box, at the booth, and in the presence of each other shall place the lock on the small vent lid and securely lock it, and return the key to the county clerk. Said election officers shall then stamp upon all unused stubs and ballots, with rubber stamp or by writing on the stub and the ballot attached thereto, the word 'unused' and place said stub or ballot book and all other utensils or election material into a linen envelope, to be provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon said wax, so as to make the letters plainly visible in three different places on said envelope, and each officer shall write his name across said sealed portion of said envelope. The officers of election shall immediately deliver the ballot box and the envelope containing the unused ballots to the county clerk. The judge and the sheriff of election, of opposite political faith, shall forthwith convey said ballot box and envelope to the county clerk's office, taking his receipt therefor. Said officers shall see that no person other than themselves has access to, or custody of, said ballot box, and they shall each remain in the presence of the other, until said box and envelope is delivered to the county clerk.

''The ballot box shall remain locked, from the time it

leaves the county clerk's office and is returned to said office, and until the county election commissioners shall unlock the same for the purpose of counting the ballots as herein provided.

"The county court clerk, upon receiving said ballot box and envelope from the election officers shall receipt for the same and shall place said ballot boxes and envelopes in a secure and substantial place and shall keep a sufficient guard over said boxes and envelopes in a careful and painstaking manner until all the ballots have been counted by the election commissioners and those acting with them. Provided, that the chairman of each of the two dominant political parties, shall have the right, and each candidate to be voted for, at any election, may designate one or more persons to assist the county clerk and other guards, to guard the safety of the ballots in said clerk's office. The county clerk shall assist the county election commission, and shall act as its clerk, in the counting and certifying of the ballots and the results of said election, for which he shall receive compensation to be allowed by the fiscal court.

"The county election commission, for the purpose of counting the ballots and issuing certificates and making reports, shall meet on the first week-end after any primary or general election at 10 o'clock on said day in the office of the county clerk, and proceed as speedily as practical, to count the ballots of every precinct in such county and at the finish of each and every precinct they shall announce the result at the door of the clerk's office and they shall fill out the blank in the back of the stub book provided for that purpose and each commissioner shall sign the same on a blank provided for that purpose.

"The election commissioner is authorized to employ at county expense, such clerical help as said commission may deem necessary to make said count, and shall remain continuously in session, until each and every precinct has been counted and the result ascertained. Sundays and legal holi-

days excepted. There shall be provided by the county clerk a large sheet upon which to tabulate the vote of the whole county, district or municipality, so that each candidate can ascertain the number of votes in each precinct and the total number in the election unit, cast for him. If any ballots are found mutilated, defaced, marked, or spoiled or otherwise questionable so that they are of doubtful integrity, the commission shall put all such ballots in a sealed envelope after writing on them and each of them, whether they have been counted, and for whom.

"In any general or primary election held in this State or any county, district or municipality, the same procedure shall prevail and the county election commission shall count and certify the result in the manner herein provided.

The said election commission shall issue to successful candidates for office or nominations, their certificates of election or nominations in all county, magisterial districts or any subdivision of any county and shall certify the result of the election in their said county, to the Secretary of State in all elections or nominations, to be made for State and district officers and nominations.

"In all general elections the governing authority of each political party, and in all primary elections, each group of candidates for office, may designate to the county election commission, one representative each to meet with the county election commission, as herein provided, and it shall be the duty of said commission to permit said representative to assist in, and witness the count of the ballot in all the precincts of such county and each and all of said commissioners and said representatives, so designated, shall have equal and full opportunity to inspect and count said ballots, and it shall be unlawful for any county election commission or a majority thereof, to refuse to permit said representative to exercise full and free action in witnessing the count of said ballots and any interference with, or refusal, on the part of said election commission, or either of them, to permit said representatives,

either of a political party, or of a candidate, or list of candidates, to have a free and full opportunity to witness and observe the counting of said ballots, shall be guilty of a high misdemeanor, and upon conviction thereof shall be fined not less than one thousand dollars nor more than two thousand dollars or imprisoned in the county jail not less than six months nor more than twelve months in the discretion of the jury.

"The county election commission after fifteen days, provided no contest is filed in any race against any candidate, shall return the keys to said ballot boxes, to the county court clerk, but if any such contest, either of nominations or elections, has been filed, said commissioners shall hold said keys subject to the orders of the court trying such contest.

"This Act shall govern both the conducting, holding, counting of ballots, and certifying of returns, in general and primary elections.

"Nothing herein contained shall be construed to prevent the election commissioners in counties having cities of the first, second and third class from employing extra tabulators, who under their supervision and responsibility may expedite the counting of the ballots."

§ 2. All Acts, or part of Acts, in conflict herewith are hereby repealed.

By Senator McCormick.

S. B. 52. An Act to amend paragraph eleven (11) Section 1938a, Chapter 57, and paragraph twenty-four (24), Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's 1930 Edition, relating to open season and bag limit on quail or bob-white, and license to hunt, and providing for statement of game birds and animals killed, by adding thereto the language as hereinafter set out.

To Committee on Fish and Game.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That paragraph 11, Section 1938a, Chapter 57, Kentucky Statutes, Carroll's Edition, 1930, relating to bag limit on quail or bobwhite, be amended by adding thereto at the end of the section as it now stands, the following language:

"Provided that it shall be unlawful for any person to kill, catch, or have in possession after same have been caught or killed, in this State, a total exceeding in the aggregate seventy-five quail or bobwhite in any one year."

So that said paragraph and section, when amended and re-enacted will read as follows:

Section 1938a. Paragraph 11. Quail or Bobwhite; Bag Limit. No person shall shoot, kill, or have in possession, more than twelve (12) quail or bobwhite in any one day, between the 15th day of November of any year and the 1st day of January of the succeeding year, both dates inclusive; provided, however, that any person having hunted two days in succession may have in possession a total of not to exceed twenty-four (24) quail or bobwhite killed by himself during such hunt; provided that it shall be unlawful for any person to kill, catch, or have in possession after same have been caught or killed, in this State, a total exceeding in the aggregate seventy-five quail or bobwhite in any one year.

§ 2. That paragraph 24, Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's Edition, 1930, relating to license to hunt, be amended by adding thereto at the end of the section the following language:

"Provided, that before any license to hunt shall be issued under this section, the person applying for such license shall

file with the clerk of the county court a statement, duly sworn to, showing the total number of game birds and animals killed, or captured in this State, by the applicant during the last preceding calendar year."

So that said paragraph and section when amended shall read as follows:

Section 1954c. Paragraph 24. Resident License—How Obtained. Any person who has been a bona fide resident of this State for one year then past, may procure a hunter's license for himself or herself by filing his or her affidavit with the county clerk of the county in which he or she resides, stating his or her age, place of residence, post office address, height, color, color of his or her eyes and hair, and the fact whether he or she can write his or her name, and by paying to the said county clerk the sum of one dollar ($1.00) which license shall entitle him or her to hunt in all counties of this State, but nothing herein contained shall be construed as repealing the present law requiring every hunter to obtain the written permission of the landowner to hunt on his premises; provided, that before any license to hunt shall be issued under this section, the person applying for such license shall file with the clerk of the county court a statement, duly sworn to, showing the total number of game birds and animals killed or captured in this State, by the applicant during the last preceding calendar year.

§ 3. This Act shall take effect and be in force according to the provisions of the Constitution, and all acts or parts of Acts in conflict herewith are hereby repealed.

By Senator Edge.

S. B. 53. An Act establishing as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road located in Muhlenberg County, Kentucky, and beginning at Greenville, and running Westwardly with the old Greenville and Madisonville Road, to project No. 238, between

Earles and Midland, thence to Millport, connecting with project No. 247.

To Committee on Roads and Hghways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be added to and established as part of the primary system of State Highways a road beginning at the city limits of the City of Greenville, running westwardly with the old Greenville and Madisonville road to Project No. 238, between Earles and Midland; thence to Millport, connecting with Project No. 247; designated in Carroll's Kentucky Statute; said road to be designated as Project No.—.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, establishing and creating a primary system of State Highways.

Senator White offered the following Resolution:

SENATE RESOLUTION NO. 2

Resolution For the Relief of C. M. Greene, for mileage and expenses by him as agent for the Commonwealth of Kentucky.

Whereas, C. M. Greene in February 10, 1931, was duly appointed by the Governor of the Commonwealth of Kentucky as agent of the Commonwealth to go to Sacramento, California to present requisition papers of this Commonwealth to the Governor of California and to bring back S. S. Little, a fugitive from the justice of this State, under indictment for felony in Daviess County, and,

Whereas, said C. M. Greene duly performed his duty in the premises and presented the requisition papers of this Commonwealth to the Governor of California but who refused to honor said requisition and as a result the said C. M. Greene could not bring back to Kentucky said fugitive from justice.

Whereas, the said C. M. Greene, in performing his duty as agent aforesaid incurred expenses and traveled 513.5 miles, the regular compensation for which, including actual expenses, would be $380.45; and,

Whereas, the Statute of this State as construed by the Court of Appeals did not authorize the payment of said expenses because the said fugitive was not brought back to the State.

Therefore, be it resolved, by the Senate and House of Representatives, that the said amount of $380.45 be and is hereby appropriated to be paid to the said C. M. Greene, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount and deliver the same to C. M. Greene for the purpose aforesaid.

To Committee on Kentucky Statutes No. 1.

Senator Gates Young moved that the Senate Recess for ten minutes.

Said motion was agreed to.

Senate reconvened at 11:30 A. M.

Senator Allie W. Young moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

THURSDAY, JANUARY 14, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Reverend Joseph E. O'Dwyer of the Good Shepherd's Church of Frankfort, Ky.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Alex E. Johnson	R. H. Royster
W. W. Booles	Frank I. Lloyd	Dr. Lewis Ryans
Edwin C. Dawson	Rev. C. D. McCaw	E. D. Stephenson
Dr. T. J. Edge	C.T.McCormick,Sr.	Joe Stewart
Thos. C. Ferguson	Wm. Mehler	Thos. O. Turner
Walter N. Flippin	E. C. Moore	Fred C. VanHoose
Chas. G. Franklin	Ray B. Moss	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	Allie W. Young
J. S. W. Holloway	Dr. G. W. Ragan	Gates F. Young
Robert Humphreys	O. M. Rogers	
Wm. Isaacs	J. M. Rose	—34

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Mr. H. H. Hansboran of Horse Cave.

Said request was granted.

Senator Ryans moved that when the Senate adjourn today that it do adjourn to meet on Monday, January 18, 1932.

Said motion was agreed to.

Senator Royster asked leave of absence for Senator W. A. Yates for the day.

Said request was granted.

Senator Williams asked leave of absence for Senator Silas Jacobs for the day.

Said request was granted.

Senator A. L. Hamilton proposed the following resolution:

RESOLUTION No. 3

Concurrent Resolution of the Senate of Kentucky and the House of Representatives of the General Assembly, memorializing the Congress of the United States to make adequate appropriation and appoint a Commission for the purpose of fittingly celebrating the sesqui-centennial of the Siege of Bryan Station and the Battle of Blue Licks, "The Last Battle of the Revolution," in August 1932.

Whereas, great preparations have been made by the Congress of the United States and the States of the Union to celebrate, throughout this year of 1932, the Two Hundredth Anniversary of the Birth of George Washington, the Father of Our Country, and,

Whereas, the major events of the War for Independence, notably the Siege of Yorktown and the Surrender of Cornwallis, have been re-enacted in a glorious and inspiring manner under the direction and by appropriation of the Congress of the United States, and,

Whereas, the George Washington Bicentennial year is also the sesqui-centennial anniversary of the Siege of Bryan Station and the Battle of Blue Licks, "The Last Battle of the Revolution," where every American officer in the action was killed, with the exception of the dauntless Colonel Daniel Boone; therefore,

Be it resolved by the Senate of Kentucky, the House of Representatives concurring:

That the Congress of the United States be memorialized to appropriate adequate funds and appoint a Commission for the celebration in August, 1932, of the Siege of Bryan Station and the Battle Blue Licks on a scale commensurate with the importance of the occasion and as a fitting tribute to the patriotism and bravery of the Kentuckians who laid down their lives, in these two memorable conflicts, for the cause of Freedom and Independence;

Be it further resolved,

That the Chief Clerk of the Senate forward one copy each of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Senators and Representatives from Kentucky in the United States Congress.

To Committee on Military Affairs.

Senator Ragan proposed the following Senate resolution:

Resolution providing for the printing of fifty copies of the Governor's Message for the use and information of the Senate.

Be it enacted by the Senate of the Commonwealth of Kentucky: That 50 copies of the message of the Governor of this Commonwealth to the General Assembly of 1932 be printed for the use of each member of the Senate.

The same are to be stamped and prepared for mailing.

Senator Ragan moved that said resolution be adopted.

The question being taken thereon, was decided in the affirmative.

Said resolution was adopted.

Senator R. H. Royster presented the following communication from the Providence Kiwanis Club:

Whereas, for the past few years it has been the desire and the purpose of our County and State to construct and maintain a system of permanent roads within our State; and whereas, the Motor Corporations of our Country are each year continuing to build larger and heavier trucks to be used in the transportation of heavy articles of commerce, without regard to the convenience to the public or the damage such trucks may do in their operation to our highways; and whereas these trucks are now permitted the use of our roads practically free and in competition with our railroads, which are compelled to build their own tracks, purchase right-of-ways and pay their portion of the tax burdens imposed by law upon them; and whereas such trucks are daily damaging and destroying our permanent roads as fast as we can build them, by the hauling of excessive loads upon them; and in addition thereto are endangering life and constituting a great menace to the traveling public; wherefore it is the sense of this Club that there should be placed upon these trucks certain limitations and legal restrictions.

Therefore, be it resolved that the Providence Kiwanis Club does now earnestly request and recommend that our present State and National law-makers immediately enact such laws as will prohibit the unfair competition of motor trucks with our railroads; and that will prohibit the operation of any motor truck upon our public highways from hauling a load thereon exceeding five tons, including the weight of such truck.

Offered by J. E. Palmer and seconded by T. T. Morris. Duly passed and approved by Providence Kiwanis Club, this January 7th, 1932.

Benjamin Cornoway, Secretary, J. C. Cannaday, President.

Bills of the following titles were introduced, referred and ordered printed, as follows, namely:

By Senator Hamilton.

S. B. 54. An Act to repeal "An Act requiring County Judges, Police Judges, Justices of the Peace, and Clerks of the Circuit Courts to keep a record book in which all judgments, civil and criminal, shall be entered and cross indexed and imposing penalties for failure so to do" by repealing said act, which is now chapter 45 of the Acts of the General Assembly, in its entirety.

To Committee on Courts on Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 45 of the Acts of the General Assembly of 1926, which was approved by the Governor March 22, 1926, be repealed in its entirety.

By Senator Rose.

S. B. 55. An Act to amend and re-enact an Act known as Chapter 81 of the Acts of 1930 and further regulating fees for passenger automobiles.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 81 of the Acts of 1930 entitled, "An Act to amend sub-section "C" of Section II, Chapter 90, page

415 of the Acts of the General Assembly of 1920 regulating fees for passenger automobiles." Be and the same is hereby amended so that same when amended and re-enacted shall read as follows:

Fees for passenger automobiles. For each motor-cycle registration fee shall be Four Dollars ($4.00.)

§ 2. Automobiles primarily designed for carrying passengers and having provisions for not more than seven (7) passengers, including the operation, shall be classed as passenger automobile, and the annual registration fee for same shall be Thirteen Cents ($.13) for each horse power of the vehicle registered, to be calculated on the rating fixed by the Society of Automobile Engineers, plus Twenty Cents ($.20) on each the 100 pounds of said automobile.

§ 3. The weight of any motor vehicle shall be determined by a standard service bureau with the vehicle fully equipped, and it shall be the duty of the State tax Commission to prepare or procure a book or pamphlet showing the horse-power and weight of each make and type of car sold in this State, and furnish same to each County Court Clerk in the State. The weight of any automobile for which registration is applied, which is not shown such book or pamphlet prepared by the State Tax Commission, shall be determined on a standard scale.

§ 4. The foregoing amendment shall not become effective until the Second Day of December, 1932. All laws in conflict herewith are hereby repealed.

By Senator Rose.

S. B. 56. An Act to repeal and re-enact section 281 of Carroll's Kentucky Criminal Code of Practice so as to give exceptions to the decisions of the court upon challenges to the panel, and for cause, or upon motions to set aside an indictment, and an appeal to the Court of Appeals from such decisions.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 281 of Carroll's Kentucky Criminal Code of Practice be repealed, and the same re-enacted to read as follows:

The decisions of the court upon challenges to the panel, and for cause, or upon motions to set aside an indictment, shall be subject to exception and reviewable by the Court of Appeals.

By Senator Rose.

S. B. 57. An Act to repeal and re-enact Section 2290-B Carroll's Kentucky Statute, addition the same being chapter 123 of the Acts of the General Assembly of 1910, Providing that eight (8) shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth. And Providing for the enforcement of and penalties for violation thereof.

To Committee on Labor and Manufacturing.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2290-B 1, Carroll's Kentucky Statutes, 1922 addition, the same being Section 1 of Chapter 123 of the Acts of the General Assembly of 1910, be and the same is hereby repealed and re-enacted, so that when thus repealed and re-enacted, the same shall read as follows: Section 2290-B 1; that the service and employment of laborers and mechanics who are now or may hereafter be employed by the

Commonwealth of Kentucky, or by any Contractor or sub-contractor, upon any of the public works of the Commonwealth of Kentucky, is hereby limited and restricted to Eight (8) hours in any calendar day and it shall be unlawful for any officer of the Commonwealth of Kentucky or any such contractor or sub-contractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency. In case of extraordinary emergency no such employment of any laborer or mechanic shall be for more than Ten (10) hours in any calendar day unless double time and double pay be given such employees.

The price or wage paid common or unskilled labor shall be the average price or wage prevailing in the county or near by community at the time such labor is performed. Any official, contractor, sub-contractor, their legal or lawful agents whose duty it is to employ and supervise laborers on any public works shall employ common and unskilled laborers in the county or nearby community where such public works are located.

Public works under this statute will be construed to mean any works where the laborers are paid in whole or part with money received directly or indirectly from the taxpayers of this State.

§ 2. That Section 2290-B2 Carroll's Kentucky Statutes, 1922 Edition, the same being Section 2 of Chapter 123 of the Acts of the General Assembly of 1910, be and the same is hereby repealed and re-enacted, so that thus repealed and re-enacted, the same shall read as follows: Section 2290-B2 that any officer or agent of the Commonwealth of Kentucky, or any contractor or sub-contractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the Commonwealth of Kentucky, who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall

upon conviction be punished by a fine not less than Fifty (50) Dollars nor more than Five Hundred ($500) Dollars or by imprisonment for not more than ninety days in the discretion of the court having jurisdiction thereof. It shall be the duty of the department of labor, county attorneys and Commonwealth attorneys to enforce this act.

By Senator Turner.

S. B. 58. An Act amending section three thousand five hundred forty-five (3545) of Carroll's Kentucky Statutes, 1930 Edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond, and providing for his compensation, and authorizing the City Council of cities of the fourth class to impose upon the City Treasurer or the Clerk of the Council the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes.

To Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Three Thousand Five Hundred Forty-Five (3545) of Carroll's Kentucky Statutes, Nineteen Hundred Thirty (1930) Edition, relating to the character of cities of the fourth class, be, and the same is hereby repealed and re-enacted in amended form as Section Three Thousand Five Hundred Forty-Five (3545), Sub-Sections 1, 2 and 3, so as to authorize the city council of cities of the fourth class to provide by ordinance that the clerk of the council shall perform the duties of city tax collector, and to further provide by ordinance, if the council see fit, that the clerk of the council shall be charged with the collection of local taxes for street

improvements; so that said section, as re-enacted, shall read as follows:

"Section 3545-1. Appointment of collector; qualifications, oath and bond; compensation; council may make either treasurer or clerk of council collector; may make clerk collector of street improvement taxes. At any regular meeting of the council they may appoint a collector, who shall hold his office for two years from his appointment, and until his successor is appointed and qualified. The collector shall be over twenty-four years of age, and a resident of the city for six months before his appointment. Before he enters upon his duties he shall take an oath to faithfully perform his duties as collector, and execute bond, with security, to be approved by the council, conditioned for the faithful performance of his duties, and to pay over to the person or persons entitled thereto all moneys that may come into his hands as such collector. It shall be the duty of said collector to collect all dues owing to the city placed in his hands. The council shall fix by ordinance, previous to his appointment, the compensation for his services. All dues owing to the city may be collected by the chief of police. The board of council, however, may by ordinance provide that the treasurer shall perform the duties of collector, or it may by ordinance provide that the clerk of the council shall possess the qualifications of collector and in such case may further provide by ordinance that the clerk of the council shall perform the duties of collector. No demand shall be necessary for the collection of said taxes, but the same shall be payable at the office of the town treasurer, or at the office of the clerk of the council as may by ordinance be provided.

§ 2. In all cases in which the council shall require the clerk of the council to perform the duties of collector, as herein authorized, it shall also by ordinance provide that he shall take the same oath and execute the same bond, before entering upon the duties of his office, as is now required by law of the city treasurer, except that the words "clerk of the council" shall be substituted for "treasurer" in said bond. It shall also provide in said ordinance for the appointment

by the mayor of a special auditing committee to be composed of three members of the council, of which the chairman of the finance committee shall be ex-officio chairman, and it shall be the duty of such committee, after the city tax bills shall have been made out by the clerk from the schedules as at present required, to carefully check said bills against said schedules and correct any errors which may have been made, and for the performance of this task said committee may engage such clerical help as the council may think proper, and thereupon, the chairman of said committee shall sign said tax bills as "Finance Chairman" and turn them over to said clerk of the council as collector, taking his receipt therefor in duplicate, showing the number of said bills so delivered and the aggregate amount thereof; and in cases where school and city taxes are required by law to be placed upon the same bills said receipt shall show the aggregate amount of school taxes and city taxes separately and a copy of said receipt shall be certified to the board of education. And said clerk, as such collector, shall have all the powers and responsibilities as are now conferred and imposed upon city tax collectors, and he shall be dealt with by other officers as other city collectors. Where the duties of collector are imposed upon said clerk after his election, he may be allowed by the council a reasonable compensation for the added duties for the remainder of his unexpired term.

§ 3. In all cases in which the council shall require the clerk of the council to perform the duties of collector as herein authorized, it may further provide by ordinance that all local taxes due or to become due for improvement of streets under Section 3563, Carroll's Kentucky Statutes, whether said taxes have already been assessed or shall thereafter be assessed, shall be payable to said clerk of the council, at his office, instead of at the office of the city treasurer, as now provided by Section 3563; and in such case the clerk of the council shall keep in his office, in a book to be provided for that purpose, a record of all assessment of local taxes thereafter assessed as provided in said section, showing the name and portion of the street in which the improvement is made, the character of the improvement and the names of the persons against

whose property the assessments are made, or, if the assessments have already been made, the book or books showing such record shall be delivered to said clerk of the coucil. Upon payment of any improvements tax to the clerk of the council, he will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. Said clerk shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and each of said funds shall, upon the order of the council, be turned over to the city treasurer who shall also keep a separate account of said funds, and thereafter same shall be applied as is now provided by said Section 3563. And in all such cases said clerk shall have the same power to coerce payment of said local taxes as is now possessed by the city treasurer.

The provisions of this act are hereby declared to be severable, and the invalidity of one part shall not affect the validity of any other part.

By Senator Moss.

S. B. 59. An Act to amend Section 4356 t-8, Kentucky Statutes, Dietzman's Supplement to Carroll's Edition of 1922, by act of 1928, relating to payment of construction and maintenance of roads passing through cities of the Fifth and Sixth Class, and extending same to apply to cities of the Third and Fourth Class.

To Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4356t-8, Kentucky Statutes, Dietzman's Supplement to Carroll's Edition of 1922, be, and the same is hereby amended by inserting in line two in lieu of the words and figures, "A city or town of the Fifth or Sixth Class," the

words and figures, "A city or town of the Third, Fourth, Fifth, or Sixth Class;" by inserting in line nine in lieu of the words and figures, "Fifth or Sixth Class," the words and figures, "The Third, Fourth, Fifth, or Sixth Class;" and by inserting in line twenty-nine, in lieu of the words and figures, "Fifth or Sixth Class," the words, "Third, Fourth, Fifth, or Sixth Class;" by inserting in line thirty-three, in lieu of the words, "Fifth or Sixth Class," the words, "Third, Fourth, Fifth, or Sixth Class," by inserting in line forty-two, in lieu of the words, "Fifth or Sixth Class," the words "Third, Fourth, Fifth, or Sixth Class."

Section 4356t. When any primary road passes through any city or town of the Third, Fourth, Fifth or Sixth Class the cost thereof shall be paid as is the cost of such road or roads constructed outside of such city or town, if the road is the same type as the road constructed outside such city or town; but the State highway commission hereby is empowered to enter into a contract with such city or town of the Third, Fourth, Fifth, or Sixth Class for the construction of such roads if the road through the city or town is to be different from the road constructed outside such city or town, and in the event it is necessary to construct such road or street at a greater cost than is paid for the construction of a like lineal mileage outside of such city or town, the city or town must pay additional cost of construction and the details shall be agreed upon between such city or town and the State highway commission; and in the event no such agreement is made such roads shall be constructed of the same type and cost as nearly as possible as that constructed outside the corporate limits of such city or town.

Where hard surface or grades and drain construction of any primary road has been completed on each side of a city or town of the Third, Fourth, Fifth, or Sixth Class to or within one-half mile of the corporate limits of such city or town, and where any primary road of this State ends within or at the corporate limits of the city or town of the Third, Fourth, Fifth, or Sixth Class, and hard surface or grade and drain construction of such road has been completed to or

within one-half mile of the corporate limits of such city or town, the State highway commission hereby is empowered and directed to construct, improve and maintain such primary roads, in accordance with the provisions of this Act, through all such city and towns of the Third, Fourth, Fifth, and Sixth Class, and such gaps shall be constructed and improved as soon as practical, and maintained by said State highway commission as other primary roads. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Moss.

S. B. 60. Bill to provide an appeal from the Board of Equalization cities of the Fifth Class.

To Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 3645, Carroll's Kentucky Statutes which is sub-division No. 5, under Municipal Corporations in Carroll's Kentucky Statutes of 1922 Edition, relative to cities of the Fourth, Fifth and Sixth Class, that said section 3645 of said Carroll's Kentucky Statutes be amended by adding the following:

"But any tax payer feeling himself aggrieved by the action of the said Board of Equalization may appeal to the Quarterly Court within 30 days after the final adjournment of the said board, by filing with the judge of the said court a certified copy under the hand of the clerk of the board of the action of the said board. He shall have a right to appeal from the decision of the Quarterly Court to the Circuit Court and then to the Court of Appeals in the same manner as the law now allows appeals in civil cases. The city attorney shall represent to city on all appeals and the city shall have the

same right to appeal from the Quarterly and Circuit Courts as the aggrieved taxpayer."

All other acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

By Senator Stephenson.

S. B. 61. An Act to amend and re-enact section 2266, Kentucky Statutes, 1930, Carroll's Edition, relating to the selection of juries in criminal cases.

To Committee on Criminal Law.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2266, Kentucky Statutes, 1930, Carroll's Edition, be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

In all criminal cases, where the defendant is entitled to a peremptory challenge of more than four jurors, the clerk under the direction of the court, shall draw from the box twenty-two (22) names of the jury, and write them, as drawn, on two sheets of paper, and deliver one to the attorney for defendant, and the other to the Commonwealth's Attorney or county attorney, and thereupon the said twenty-two jurors so selected shall be sworn as to their qualifications as jurors in the case, and all of those excused or who disqualify as jurors or are challenged for cause and excused by the court shall be stricken from the lists, and thereupon the clerk shall draw sufficient names of jurors from the box to fill the panel, the jurors who have been so drawn shall be sworn as to their qualifications, and those who are excused or who disqualify or are excused by the court for cause, shall be stricken from the list, and this method shall continue until twenty-two (22) jurors have been chosen and the panel completed for the trial

of the case, and thereupon each party shall strike from said panel of twenty-two (22) jurors as follows: The Commonwealth shall have the right to strike three (3) names from said panel, and the defendant shall have the right to strike seven (7) names from said panel, and the lists being returned to the clerk of the court, he shall mark out the names of all jurors stricken from both sides, and shall call the first twelve jurors as their names appear on said panel as the jury to try the case. In all cases where the jury shall be completed, the names of the persons not on the jury shall be returned by the clerk to the box, from which another jury may be drawn; and whenever, from any cause, it may be necessary to make up a jury, if there be not enough of the standing jury remaining or in attendance, the court shall draw a sufficient number of names from the drum or wheel to complete the jury, and the jurors so drawn shall be immediately summoned by the sheriff, and if any of those so drawn and summoned be likewise excused or fail to attend, the judge shall again draw from the drum or wheel a sufficient number of names in his judgment to make up the jury, and so on until said jury shall have been selected. The judge shall draw said names from the drum or wheel in open court in the presence of the parties and their attorneys.

Provided, that if the Commonwealth and the defendant agree, the court by order entered on the order book of the court may in its discretion direct the sheriff to summon bystanders to fill the jury, if the regular jury be insufficient to complete the jury for the trial of the case.

§ 2. All Acts and parts of acts in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 62. An Act to amend Section Two Hundred and Thirty of the Constitution of Kentucky.

To Committee on Constitutional Amendments.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two hundred and thirty of the Constitution of Kentucky be amended by adding thereto the following words: Out of the revenue actually provided for the year and collected, the necessary expenses of maintaining the State government shall be first paid and the balance shall be paid on the legally incurred indebtedness of the State and on the appropriations made by the legislature in the order of their priority. All appropriations and all indebtedness incurred in any year beyond the amount that may be so applied to their payment shall be null and void. So that the section as amended will read as follows:

No money shall be drawn from the State treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published. Out of the revenue actually provided for the year and collected, the necessary expenses of maintaining the State government shall be first paid and the balance shall be paid on the legally incurred indebtedness of the State and on the appropriations made by the legislature in the order of their priority. All appropriations and all indebtedness incurred in any year beyond the amount that may be so applied to their payment, shall be null and void.

By Senator White.

S. B. 63. An Act establishing as a part of the highway system of highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland county, and leading to Black's Ferry, Monroe County, via Cloyd's Landing.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created and established as a part of

project 40½ of the State Highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland county and leading to Black's Ferry, Monroe county, via Cloyd's Landing.

By Senator Van Hoose.

S. B. 64. An Act regulating the shipment and sale of natural gas through pipe lines in the State of Kentucky.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act all gas pipe line companies operating in this State and Gas Companies operating pipe lines in this State which are operating compressors or are taking gas by open flow from any gas field in this State, shall be required to carry or purchase or sell all natural gas produced from gas fields from which said company, compressors or pipe lines are taking gas by open flow, so long as any company or operator is producing gas in sufficient quantities for marketing purposes, or so long as said pipe line company is able to sell said gas at a fair price to the operators, and shall take the gas from the wells of each operator in the field so long as said operators comply with the rules and regulations governing them.

§ 2. Any law in conflict with this act is hereby repealed.

By Senator Van Hoose.

S. B. 65. An Act to establish a primary road project from U. S. Route No. 23 at the junction of the Van Lear road in Johnson County to the corporate limits of the town of Van Lear.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State highways a road beginning on U. S. Route No. 23 at the junction of the Van Lear road, in Johnson County, and running to the corporate limits of the town of Van Lear.

By Senator Rogers.

S. B. 66. An Act to repeal, amend and re-enact Chapter 18 of Acts of General Assembly of 1924, being Section 1893-A, sub-sections 10, 11, 12 and 13, Carroll's Kentucky Statutes.

To Committee on Charitable, Penal and Reformatory Institutions.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is lawful for and obligatory upon each county of this State to contribute such sums of money as are hereinafter prescribed, from the charity or general funds of said county, toward the support of each blind person who may come within the provisions of this Act; and the State shall, in the manner hereinafter provided, reimburse each county for all money paid out in compliance with the provisions of this Act.

§ 2. Benefit for Blind. That all persons over the age of 21 years, who are deprived of useful vision, in the manner hereinafter set forth, and who come within the provisions of this Act, shall receive as a benefit three hundred dollars

($300.00) per annum, each, payable quarterly, upon warrants properly drawn on the treasurer of the county, of which such person or persons are residents.

§ 3. Who not entitled to provisions of Act. No person who is not a citizen of the United States, or who is a charge of any charitable institution of this State, or any county or city thereof, or who has an income of more than six hundred dollars ($600.00) per annum, or who is married and the total income of such person and spouse is one thousand dollars ($1,000.00) or more per annum, or who owns property or has an interest in property to the value of five thousand dollars ($5,000.00) or more, or who has not resided within the State of Kentucky continuously for five (5) consecutive years, immediately before applying for said benefit, shall be entitled to the provisions of this Act.

§ 4. Duty of Fiscal Court to appoint Examiner of the Blind. It is hereby made the duty of the Fiscal Court to appoint a regular practicing physician to examine all applicants for benefit, and to endorse on the application a certificate to each applicant, showing whether he or she is blind or deprived of useful vision. Said examining physician shall keep a register in which he shall enter the facts contained in each certificate. He shall be paid from the county treasury for his services the sum of two dollars ($2.00) for each applicant so examined.

§ 5. Applicants for Benefit—Affidavits—Duty of County Clerk. All persons claiming the benefit provided herein may go before the county clerk of their respective counties, and make affidavit to the fact which bring him or her within the provisions of this Act, which shall be deemed an application for said benefit; two reputable citizens, residents of the county, shall be required to make affidavits to the fact that they have known said applicant to be a resident of the county; the county clerk shall immediately refer the application to the examining physician, for said county.

§ 6. Register to be kept by County Clerk—Must certify

at each meeting to Fiscal Court—Time payment begins. The county clerk shall register the name, address and number of applicant, and date of the examination of each of the applicants who have been so determined to be entitled to said benefit, at each meeting of the Fiscal Court; he shall certify to the Fiscal Court the name and residence of each applicant so determined by the examining physician to be entitled to said benefit, and such applicant shall be entitled to said benefit, subject to the approval of the Fiscal Court, from and after the first day of the months of February, May, August and November thereafter, to be provided for as set forth in Section 7 of this article.

§ 7. Duty of the Fiscal Court to provide for payment. It is hereby made the duty of the Fiscal Court of each county to provide in the annual appropriation for the payment of persons so entitled to said benefit, who have complied with the provisions of this Act, and to cause warrants on the county treasury to be drawn, properly endorsed, payable to each of said persons in each county, each quarter in each year thereafter, during the life of said persons, while they are residents of said county, or until said disability is removed. It is the further duty of the Fiscal Court to certify to the State Auditor an itemized statement of the sum of money paid out in accordance with the provisions of this Act, during the last preceding fiscal year of the county; said certificate to be filed with the Auditor within ten days after the last day of the fiscal year of the county. Upon receipt of such certificate the Auditor, being satisfied with its correctness, shall draw his warrant in favor of each county for the amount so certified by such county, upon the blind relief fund hereinafter provided for.

§ 8. State tax levy. There shall be levied and collected each year, beginning with the year 1932, an annual tax of one-fifth of a mill on each dollar of the total equalized assessed value of all the taxable property in the State of Kentucky, for the purpose of creating a fund to be known as the "blind relief fund," out of which shall be paid the State's contribution to the blind hereinbefore provided. Said tax shall

be collected in the same manner as provided for the collection of other taxes, and when collected shall be paid into the State treasury to the credit of the "blind relief fund," and disbursed only as herein provided. The fund shall be accumulative and any surplus for any one year shall be available for disbursement according to law for the next following year.

§ 9. Penalty for false affidavit. Any person who shall make a false affidavit in order to secure the benefit herein provided, shall, upon conviction, be deemed guilty of perjury.

§ 10. County to contribute. Until the special State tax provided for in Section 8 has been levied, collected and paid into the blind relief fund in the State treasury, it shall be the duty of each county to continue to contribute the sum of three hundred dollars ($300.00) to each blind person who comes within the provisions of this Act, until reimbursed by the State.

§ 11. All Acts or parts of acts in conflict herewith, to the extent of such conflict, are hereby repealed.

By Senator Rogers.

S. B. 67. An Act to amend an act entitled "An Act to provide for the distraining for graded common school taxes in graded common school districts other than those in cities of the first, second, third or fourth class," being chapter 59 of the Acts of the General Assembly of 1928, approved March 17, 1928, and to provide additional remedies for the collection of school taxes in said graded common school districts.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled, "An Act to provide for the

distraining for graded common school taxes in graded common school districts, other than those in cities of the first, second, third or fourth class," being Chapter 59 of the Act of the General Assembly of 1928, approved March 17, 1928, be, and the same is hereby amended, so that when amended and re-enacted, it shall read as follows:

That in all graded common school districts other than those in cities of the first, second, third or fourth class, the tax collector of the graded common school taxes therein, shall have the power and it shall be his duties, after said taxes become delinquent to distrain sufficient personal property of each taxpayer of the said district, who has not paid his graded common school taxes, due the said district from the said taxpayer. Said officers shall sell for cash the property so distrained, or so much thereof, as may be necessary to satisfy the said taxes, for which said distraint was made and cost of advertising said sale in the same manner as property is sold under execution. That in addition to said remedy and the remedies now provided by law, all taxes levied and assessed for said graded common school purposes, together with any percentage imposed for delinquency and the cost of collection, shall constitute a lien on the property, or real estate, so assessed and said graded common school districts, shall have the right and power to enforce said lien by a suit in any court having jurisdiction thereof to foreclose such liens.

§ 2. Whereas, there is no adequate remedy for collecting taxes in said graded common school districts, an emergency is declared to exist and this Act shall take effect and be in full force and effect, from and after its passage and approval.

By Senator McCormick.

S. B. 68. An Act to provide compensation for attorneys at law in counties which do not have continuous sessions of Circuit Court, appointed by Judges of said Circuit Courts and Judges of the county and quarterly courts for their services rendered in defending persons charged with felonies.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That attorneys at law appointed by either county judges or circuit judges in counties which do not have continuous session of Circuit Court, to defend persons charged with the commission of felonies in the Commonwealth of Kentucky be, and they are hereby allowed the sum of $5.00 for their services in the preparation and presentation of the defense in each case in which they are so appointed, and it shall be the duty of the judge of each county not having continuous session of Circuit Court in the Commonwealth on the first day of each month to certify such appointments and the amounts due to the respective attorneys for services rendered during the preceding month, and the clerk of the Circuit Courts in counties not having continuous session of Circuit Court on the last day of each term shall certify such appointments and the amounts due to the respective attorneys for services rendered during that particular term of court to the Fiscal Court of the respective counties.

The Fiscal Court of the various counties of the Commonwealth which do not have continuous session of Circuit Court is hereby authorized and directed to allow said sums when so certified, and its clerk shall issue warrants to said attorneys therefor.

By Senator McCormick.

S. B. 69. An Act to amend Section 2103, sub-section 2, of Carroll's Kentucky Statutes so as to authorize Judges of the City or Police Court to solemnize a marriage ceremony.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of Section 2103, subsection 2, of Carroll's Kentucky Statutes as relates to persons authorized to solemnize a marriage be and the same is hereby amended by adding after the words: "Judge of the County Court," the following words, to-wit: "Judges of the City or Police Court," so that so much of said Section 2103, sub-section 2, as relates to persons authorized to solemnize marriages which reads after amended as follows, to-wit:

1. Ministers of the gospel or priests of any denomination in regular communication with any religious society.

2. Judges of the County Court, Judges of the City or Police Court, and such Justices of the Peace as the Governor of the State or the County Court may authorize.

3. Or, where either party belongs to a religious society having no officiating priest or minister, whose usage is to solemnize marriage at the usual place of worship, and by consent given in the presence of the society, it may be so solemnized.

By Senator McCormick.

S. B. 70. An Act to amend Section 4168k, Kentucky Statutes, Carroll's Edition, Supplement 1931, the same being Section 11 of Chapter 150, of the Acts of the General Assembly of 1930, approved March 15, 1930, and to fix the fees of County Clerks for recording certificates of transfer and releases of tax claims evidenced by certificates of transfer and repealing laws in conflict herewith to the extent of such conflict.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4168k, Kentucky Statutes, Carroll's Edition, 1930, Supplement 1931, being Section 11 of Chapter 150 of the Acts of the General Assembly of 1930, relating to the transfer of tax claims held by the Commonwealth of Kentucky or any county, municipality or taxing district thereof, be amended by striking out the words "twenty-five cents" in said section and inserting in lieu thereof, the words "fifty cents" and adding thereto the words: "All Acts or parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict," so that when amended said section will read as follows:

The County Court Clerk shall be entitled to charge a fee of fifty cents and no more for recording the hereinabove certificate of transfer on the Record of Encumbrances and County Court Clerk shall be entitled to charge a fee of fifty cents and no more for each relase on the Record of Encumbrances of the hereinabove certificate of transfer.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Senator Humphreys.

S. B. 71. An Act to ammend Chapter 90, Section 10, Session of 1920, relating to rules for operation of vehicles.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All horse-drawn vehicles such as buggies, wagons or

other slow moving vehicles, when used upon the highways of the State at night, or in darkness, shall be required to carry a light or other luminous visable signal in such a way as to be clearly visable to other users of the highway when such vehicle is approached from either front or rear.

Any person or persons so using the highway without displaying a light, lantern or other luminous signal at night or in darkness shall be deemed guilty of misdemeanor and upon arrest and conviction therefor, as provided in Section 19 of this Act, shall be fined not less than ten ($10) nor more than one hundred dollars ($100 as provided in Section 20 of this Act.

By Senator Humphreys.

S. B. 72. An Act relating to roads and bridges and amending Chapter 398 of the Acts of the General Assembly, 1928, bearing upon Road Project 433, striking from the said road project as set out in said chapter certain directions and points designated in said chapter for said road to pass.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 398 of the Acts of the General Assembly of Kentucky, 1928, bearing upon Road Project 433, as designated in Kentucky Statutes, concerning the points by which said road shall pass, be repealed and same is hereby repealed, and re-enacted so that it will read when amended as follows: That the road known as the Dresden Road beginning at a point where the Dresden Road intersects with Troy Avenue just outside the city limits of Hickman, Kentucky, and running by the City Cemetery of Hickman, Kentucky, thence in a southeasterly direction by or near Poplar Grove Church, in a

southeasterly direction to the N. C. & St. L. Railroad at a point near the Dresden Crossing; thence south on the west side of said railroad and parallel with same by the two stores at State Line Station continuing parallel with said railroad south about one mile to a point in the Kentucky-Tennessee State line where the said road connects with the Union City Highway as now surveyed. The entire length of project approximately seven miles, be and the same is hereby established as a part of Primary System of State Highways of the Commonwealth of Kentucky to be known as State Highway Project No. —.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in the act establishing and creating a primary system of state highways in the Commonwealth of Kentucky. And the said project shall be entitled to and receive all benefits of such laws as are now, or may hereafter be in effect with relation to the primary system of state highways of the Commonwealth of Kentucky.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Whereas, said project as enacted by Chapter 398 and established thereby has been surveyed by the state highway commission, properly locating said road as set out in this act as amended, and whereas bids have been received for the grade and drainage of same, but being held up because said road as surveyed does not comply with the requirements of Act 398, and whereas it will be necessary to pass upon said bid and award said contract within the next few weeks, and whereas the present restriction in the law will prevent the state highway commission from proceeding with said contract, which appears to be advantageous to the state highway department, therefore an emergency is declared to exist and this act shall become effective upon its passage and approval by the Governor.

By Senator Gaines.

S. B. 73. An Act establishing a state primary road project leading from a point at Gest to State Highway No. 37 near the Gusta Clements farm via Harper's Ferry in Henry County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading from a point at Gest in Henry County, Kentucky, to State Road No. 37 near the farm of Gusta Clements, via Harper's Ferry.

Subject to all the conditions set out and provided in Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of state highways.

By Senator Gaines.

S. B. 74. An Act establishing a state road project leading from Carroll up Six Mile Creek in Henry County, Kentucky to intersect with the Gest-Harpers Ferry State Road No. 37 turnpike.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading

from Carroll in Henry County, Ky., up Six Mile Creek to intersect with the Gest-Harpers Ferry, State Road No. 37, turnpike at intersection of present county road.

Subject to all the conditions set out and provided in Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of state highways.

By Senator Gaines.

S. B. 75. An Act establishing a state primary road project leading from Lockport in Henry County by the Mouth of Pot Ripple to Gest and Monterey in Owen County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading from Lockport in Henry County, Kentucky, to Gest and Monterey, in Owen County via of the mouth of Pot Ripple.

Subject to all the conditions set out and provided in chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of state highways.

By Senator Gaines.

S. B. 76. An Act establishing a state primary road project leading from a point in the New Castle-Port Royal State road about two miles south of Port Royal thence following the county road, thence by Turners Station to State Road 55 near overhead bridge at Campbellsburg.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading from a point in the New Castle-Port Royal state road about 2½ miles South of Port Royal, thence following the county road, thence by Turners Station to state road No. 55 near overhead bridge at Campbellsburg.

Subject to all conditions set out and provided in Chapter 17 of the acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of state highways.

By Senator Gaines.

S. B. 77. An Act establishing a State Primary road project leading from the Mouth of Drennon to New Castle State road near Drennon Springs thence by way of Franklinton and Clubb Lane to State Highway No. 22 in Henry County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the Primary road system of the Commonwealth of Kentucky a road leading from the Mouth of Drennon-New Castle State Road near Drennon Springs thence by way of Franklinton and Clubb Lane to State Highway No. 22 near the farm of Ellry Jones.

Subject to all conditions set out and provided in Chapter

17 of the Acts of the General Assembly of the Commonwealth of Kentucky, establishing and creating a primary system of State Highways.

By Senator Gaines.

S. B. 78. An Act establishing a State primary road project leading from a point in the Campbellsburg-Bedford State road No. 37 about 2½ miles from Campbellsburg at the Joe Campbell and Will Clark property in Henry County thence following the county road down Campbell branch to State road from Sulphur to New Castle at Sulphur.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as part of the primary road system of the Commonwealth of Kentucky a road leading from a point in the Campbellsburg-Bedford State road No. 37 about two and one-half miles from Campbellsburg at the Joe Campbell and Will Clark property in Henry county thence following the county road down Campbell branch to State road from Sulphur to New Castle at Sulphur.

Subject to all the conditions set out and provided in Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of state highways.

By Senator Allie W. Young.

S. B. 79. An Act to repeal and re-enact Sections 216a-1, 216a-7, 216aa-8, 216aa-16, 216aa 25, 216aa-27, 216aa-28, and to repeal Sections 216aa-4, 216aa-5, 216aa-6, of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), relating to the

State Board of Charities and Corrections, its management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this state, declaring an emergency, and repealing all laws, or parts of law, in conflict herewith to the extent of such conflict.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 216a-1 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 1 of Chapter 7 of the Acts of the General Assembly of 1920, be and the same is hereby repealed, amended and re-enacted so that the same when so amended and re-enacted shall read as follows:

There shall be, and there hereby is, created a Board to be known as "THE STATE BOARD OF CHARITIES AND CORRECTIONS," which shall be composed of five (5) members, all of whom shall be residents of Kentucky and not less than thirty (30) years of age. The members of said board shall be appointed by the Governor, by and with the consent of the Senate; one (1) for a period of one (1) year; one (1) for a period of two (2) years; one (1) for a period of three (3) years, and two (2) for a period of four (4) years from the date of appointment, unless sooner removed for cause, and thereafter all appointments, except to fill vacancies, caused by death, resignation or removal, shall be for a full term of four (4) years.

Each member of the board, except the chairman, shall receive an annual salary of Two Thousand ($2,000.00) dollars per year, to be paid monthly out of the State Treasury, and the chairman shall receive an annual salary of Five Thousand ($5,000.00) dollars per year, to be paid monthly. out of the State Treasury.

The chairman and members of said board shall also be paid their actual and necessary expenses in the discharge of their official duties.

§ 2. That Section 216a-7 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 7 of Chapter 7 of the Acts of the General Assembly of 1920, be and the same is hereby repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:

The board shall meet at least once a month and at other times on the call of the chairman. The Governor shall annually designate and appoint one of the members of said board as chairman, and the said chairman shall be required to give all of his time to the business and affairs of the board, and he shall reside in Frankfort, Kentucky. He shall have general charge, subject to the supervision and control of the board of the institutions of the state, which are under the jurisdiction of said board, and shall perform such duties and exercise such power as the board may, from time to time, direct.

The board shall adopt by-laws and regulations for the transaction of its business and the management of its affairs and for the management of the institutions under its charge, as it may consider expedient and as are not inconsistent with law. It shall keep a record of all its proceedings and of all receipts and disbursements under its management, which records shall be open at all times to inspection by the Governor or a committee of the Legislature to examine or inspect the same.

§ 3. That Section 216aa-8 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 8 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted so that the same when so amended and re-enacted shall read as follows:

The board shall appoint a superintendent and receiver for each of the institutions under its management and control

and shall fix the compensation of each of said superintendents and receivers.

§ 4. That Section 216aa-16 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 16 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:

The board shall provide for such officers and employes for each institution and for such clerical and other assistants for itself as it may deem necessary, except that the board may not dispense with a superintendent and a receiver for each institution.

§ 5. That Section 216aa-25 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 25 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:

Appropriations made for the Board of Charities and Corrections shall be payable by warrant drawn by the Auditor. The Board may draw upon the Auditor of public accounts monthly for such sums of money as are necessary to run the institution under its control, including the salaries due all members of the board, officers and employees. The order upon the Auditor shall specify the purpose for which the expenditure was made and the amount and the persons to whom paid. The order shall be signed and approved by the chairman of the board and shall not be issued except by order of the board entered of record, specifying the amount and the purpose for which the expenditure was made and to whom. When such order is received by the Auditor he shall draw his warrant on the State Treasury in favor of the person specified in said order and the amount directed to be paid, and said warrant must specify for what purpose the money is to be used and

the fund from which said money is paid, and the State Treasurer shall, out of the money in the State Treasury, appropriated to the Board of Charities and Corrections, pay said warrants. Said orders and warrants shall be carefully preserved and shall become vouchers for the amounts paid to be specified by them.

§ 6. That Section 216aa-27, Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 27 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted so that the same when so amended and re-enacted shall read as follows:

The superintendents shall examine all claims and accounts against their respective institutions, and report any fact or circumstance indicating any irregularity, fraud or wrong to the Board of Charities and Corrections, and if they have any doubt of the justice or legality of any of the claims they may require both the superintendent and the receiver to endorse their opinion in writing, on the back thereof; and it shall be the duty of said officer to endorse any claim when required by the board to do so; and the Board of Charities and Correction shall not direct any claim, or part thereof, to be paid until they are satisfied from such investigations as may be necessary, that the same is just, legal and right; and no claim of any kind shall be paid, in whole or in part, whether presented by an officer of the institution or other person, until it shall have been examined and approved by the receiver and submitted to the Board of Charities and Corrections and determined by them to be just and right and directed to be entered upon the record of its proceedings; and the chairman of the said Board of Charities and Corrections shall not issue any order for the payment of money upon the Auditor of public accounts except for the amount of claims which have been so submitted by the board, allowed by it, and ordered to be paid.

§ 7. That Section 216aa-28, Carroll's Kentucky Statute (Baldwin's Revision of 1930), being Section 28 of Chapter 16

of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted so that the same when so amended, and re-enacted shall read as follows:

Whenever the chairman of the State Board of Charities and Corrections shall issue an order for the payment of money, he shall cause the number, amount and date thereof, and the name of the person in whose favor it is made, to be entered by the secretary in a separate book kept for that purpose; and whenever he shall receive any money for the use of the institutions, he shall cause the same to be entered by the Secretary in said separate book, but in a different part of it, stating the amount of money and when and from whom received, and thereupon he shall deposit said money and other means (of whatever character they may be) with the treasurer and take his receipt therefor and preserve it as a voucher.

§ 8. That Section 216aa-4 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 4 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed.

§ 9. That Section 216aa-5 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 5 of Chapter 16, Acts of the General Assembly of 1928, be and the same is hereby repealed.

§ 10. That Section 216aa-6 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 6 of Chapter 16, Acts of the General Assembly of 1928, be and the same is hereby repealed.

§ 11. All acts, or parts of acts, in conflict herewith are hereby repealed to the extent of such conflict.

§ 12. Whereas, it is necessary for the efficient management of the various institutions under the control and management of the State Board of Charities and Corrections that the management provided for in this act shall not be delayed,

an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval, as required by law.

By Senator Allie W. Young.

S. B. 80. An Act to repeal, amend and re-enact Chapter 152 of the Acts of the General Assembly of 1930; and to repeal, amend and re-enact Section 9 of Chapter 149 of the Acts of the General Assembly of 1930; and to repeal, amend and re-enact Subsection 1 of Section 18 of Chapter 90 of the Acts of the General Assembly of 1920, as amended and re-enacted by Chapter 78 of the Acts of the General Assembly of 1924; and to repeal, amend and re-enact Section 30 of Chapter 112 of the Acts of the General Assembly of 1926; and to repeal, amend and re-enact Section 2 of Chapter 127 of the Acts of the General Assembly of 1928, being an act relating to revenue and taxation, distributing the State revenue to the various departments, institutions and agencies of the State.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 152 of the Acts of the General Assembly of 1930 be repealed, amended and re-enacted so that when said chapter is repealed, amended and re-enacted the same shall read as follows:

"Section 1. Annual tax, how divided. An annual ad valorem tax for State purposes of five cents upon each one hundred dollars of value of all real estate directed to be assessed for taxation as provided by law, and fifty cents upon each one hundred dollars of value of all other property, directed to be assessed for taxation, as provided by law, shall be paid by the owner, person or corporation assessed; except

a tax at the rate of one-tenth of one per cent shall be paid annually upon the amount of deposits in any bank, trust company or combined bank and trust company, organized under the laws of this State, or in any national bank of this State, as now provided by law; and also except building and loan associations incorporated under the laws of this State and making loans to members only, which associations shall be assessed, except as otherwise provided by law, in the manner and at the rate now set forth in Chapter 14 of the Acts of the extraordinary session of the General Assembly of 1917."

§ 2. That Section 9 of Chapter 149 of the Acts of the General Assembly of 1930 be amended by repealing said Section 9 and inserting in lieu thereof the following section, so that when said section is amended by substituting and reenacting the following section in lieu thereof, the same shall read as follows:

"Section 9. All taxes collected under the provisions of this Act shall be paid to the Auditor of Public Accounts, and of such amounts so received by the Auditor in any fiscal year, one-half part thereof shall be set aside and credited each month to the Board of Charities and Corrections for the specific purpose of repairing, maintaining and constructing permanent improvements for the use of the institutions under the control of said board and its successors. The remaining one-half of the amount so collected and received by the Auditor in any fiscal year shall be credited each month to a distributable fund for the uses of the common schools and State educational institutions as now or may hereinafter be provided."

§ 3. That Section 2 of Chapter 127 of the Acts of the General Assembly of 1928; and Subsection 1 of Section 18 of Chapter 90 of the Acts of the General Assembly of 1920, as amended by Subsection 1 of Section 1 of Chapter 78 of the Acts of the General Assembly of 1924; and Section 30 of Chapter 112 of the Acts of the General Assembly of 1926, be, and the same are, hereby repealed.

§ 4. Of the aggregate amount of tax realized by all assessments made on, and levied upon, real estate, plus the aggregate amount of all tax realized by all assessments of franchises, shares of stock, money in hand, notes, bonds, accounts, and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, including the tax on bank deposits and upon shares of building and loan associations, plus one-half of the amounts so collected and received and credited to the distributable fund for the use of the common schools and the State educational institutions, as provided in Section 9 of Chapter 149 of the Acts of the General Assembly of 1930, as amended and re-enacted in Section 2 of this Act, sixty-nine per cent shall be used for the support of the common schools; ten per cent, plus fifty per cent of the inheritance tax collected for the support, maintenance and erection of buildings for the University of Kentucky at Lexington, Kentucky; five per cent thereof, plus ten per cent of the inheritance tax collected, for the support, maintenance and erection of buildings for the Eastern Kentucky State Teachers College at Richmond, Kentucky; six per cent thereof, plus twenty per cent of the inheritance tax collected, for the support, maintenance and erection of buildings for the Western Kentucky State Teachers College at Bowling Green, Kentucky; five per cent thereof, plus ten per cent of the inheritance tax collected, for the support, maintenance and erection of buildings for the Murray State Teachers College at Murray, Kentucky; five per cent thereof, plus ten per cent of the inheritance tax collected, for the support, maintenance and erection of buildings for the Morehead State Teachers College at Morehead, Kentucky; and all funds realized from automobile licenses not otherwise provided for, gasoline tax, motor bus licenses, as now collected by law or may hereafter be imposed and collected by law, together with the aggregate amount of all other State revenue not otherwise distributed, shall be credited to one fund, and ..... per cent shall be used for the construction, re-construction, maintenance and repair of roads and highways; ..... per cent shall be credited to the general fund for the use of the ordinary expenses of the government; and the Auditor of Public Accounts will make distribution of said

taxes in accordance with the apportionment and distribution provided herein, at the end of each month.

The tax herein provided for the University of Kentucky and the State Teachers Colleges shall be paid monthly, when and as collected, to the treasurers of these institutions, in the amounts set forth in this Act, and shall be used by them for their maintenance and support, and when sufficient sums shall have accumulated in the treasuries thereof, it may be used for the erection of buildings and the purchase of land and equipment.

§ 5. In the event a referendum is desired upon this Act, then such referendum shall be conducted in all things in the manner provided in Chapter 8 of the Acts of the extraordinary session of the General Assembly of 1917, approved May 2, 1917.

§ 6. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional, the decisions of the court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared as the legislative intent that this Act would have been adopted had such unconstitutional provision not been included herein.

§ 7. All laws and parts of laws in conflict herewith are hereby repealed, to the extent of such conflict.

§ 8. Whereas, on account of the decrease in the value and assessments of real estate, franchises and intangible personal property, and the depressed condition of agricultural interests, and to aid in the maintenance and development of the State's educational system, an emergency is hereby declared to exist, and this Act shall become a law and be in full force and effect from and after its passage and approval.

By Senator Lloyd.

S. B. 81. An Act for the benefit of the Home for Incurables.

To Committee on Charitable, Penal and Reformatory Institutions.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general fund the sum of twenty thousand dollars ($20,000) per annum for two years, payable annually, for the benefit of the Home for Incurables and the Auditor of Public Accounts be, and he is, authorized and directed to draw his warrant upon the treasurer annually for two years in favor of the treasurer of the Home for Incurables, for the annual sum of twenty thousand dollars; provided, that no part of said appropriation shall be paid unless there has been executed on the part of the Home for Incurables a bond to the Commonwealth of Kentucky with good and sufficient security stipulating and providing that all of said sums of money so appropriated shall be applied to the purposes of the character of the Home for Incurables, that is, to provide a home for persons who are residents of the State of Kentucky who are affiliated with incurable physical disability or disease, and have no means of support, and a failure to do so shall be a forfeiture of this appropriation. Said bond shall be approved by the Auditor of Public Accounts and kept as a record in his office; provided, also, if any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury, and that the Home for Incurables shall, by its proper officers, make an annual verified statement to and settlement with the Auditor of Public Accounts, showing when, where and how said funds and appropriations have been applied and disbursed. The said auditor is authorized and directed to draw his warrant upon the treasurer in favor of the treasurer of the Home for Incurables on the first day of July, nineteen hundred and thirty-two, for twenty thousand dollars, and on the first day of July, nineteen hundred and thirty-three for the sum of twenty thousand dollars.

By Senator Allie W. Young.

S. B. 82. An Act to provide for the more efficient and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred fifty thousand (250,000), and to reduce the number of magisterial districts therein, by amending and re-enacting section one thousand seventy-nine (1079) of the Kentucky Statutes; to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants, defining their duties and requiring bonds therefrom, with surety; defining certain duties of constables and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places; fixing the filing fees, and providing for rules of practice in said courts and fixing penalties for the violation by said officers of their duties.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Whereas, in counties containing a population in excess of two hundred fifty thousand (250,000) intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life, by reason of which the demands upon such courts in such counties are continuous, voluminous, and exacting, and by reason of which justices of the peace in such counties have become primarily judicial officers, as distinguished from the fiscal character of said officers elsewhere in this State, and by reason of which the existing system for the administration of justice within the jurisdiction of such courts is now wholly inadequate, now therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That this act shall be effective in each magisterial

district in every county in this Commonwealth, which county contains a population in excess of two hundred fifty thousand (250,000); Provided, that the provisions hereof shall not begin to apply to the office of justice of the peace, or the office of constable, until the expiration of the term of office, in each instance, which is current and unexpired upon the effective date of this act. At the regular election for justices of the peace in 1933, such justices shall be elected for the districts hereinafter provided for.

§ 2. Within each of the said magisterial districts, all moneys received or collected as compensation, cost, expense, for, or otherwise resulting from, or on account of, the performance of the duties or the exercise of the powers incident to the offices of justices of the peace, constable, and deputy constable, shall become, upon receipt or collection, by or for any person hereafter holding any of said offices, a part of the general fund of the county.

§ 3. Each person hereafter elected or appointed to and thereafter holding the office of justice of the peace in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary, in the sum of four thousand ($4,000.00) dollars per annum, which shall be paid, in equal monthly installments, out of the general fund of the county; Provided, that no justice of the peace shall receive or be paid a salary exceeding three hundred thirty-three dollars and thirty-four cents ($333.34) during or for any month, or for four thousand ($4,000.00) dollars during or for any consecutive twelve (12) months.

§ 4. In each of the said magisterial districts the justice of the peace shall employ one clerical assistant to be known as the recorder, whose employment shall become effective upon the first Monday in January, 1934, and shall continue for the period during which the justice of the peace making the appointment holds office, but not beyond the current term of office of said justice. Each justice of the peace may employ, not exceeding three clerical assistants known as deputy re-

corders. Each recorder shall be compensated for his services by salary in the sum of two hundred ($200.00) dollars per month, and each deputy recorder shall be compensated for his services by salary in the sum of one hundred ($100.00) dollars per month, which salaries shall be paid monthly, out of the general fund of the county. The said salaries shall be in lieu of all other compensation. The fiscal court or county commission of the county shall require bonds, with good and sufficient sureties, of recorders and deputy recorders, for the faithful performance of their duties. The employment of each recorder and each deputy recorder shall be noted of record by the justice of the peace by the entry of a suitable order upon the records of the court, and the employment of any recorder or deputy recorder may be terminated at any time, for cause, by order of record by the justice of the peace holding office within the district. Any of said employees shall be eligible to serve in any district within the purview of this Act.

§ 5. It shall be the duty of each recorder, after executing bond as required in section four (4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act, become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court, as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received, or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical services, under the direction of the justice of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the powers to administer oaths.

§ 6. Each justice of the peace, constable and deputy constable shall daily deliver or cause to be delivered to the recorder for the district in which the said officers hold office all

moneys received or collected by each of them by virtue of their respective officers, or the recorder may receive such moneys for the said officers, and in either event the recorder shall daily issue to the said officers receipts for moneys received from or for each of them, respectively. Each recorder shall keep such records of such daily transaction, in such manner and form, and showing such information, as the fiscal court of the county may require.

§ 7. Before the tenth day of each calendar month the recorder for each magisterial district shall prepare a sworn statement, which shall show the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of justice of the peace, constable, and deputy constable existing in the district. The statement shall be in the form, and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one or more copies of the said monthly statement to the fiscal court, or to such county officer or agent as the fiscal court may designate, and each recorder shall simultaneously deliver by certified check payable to the order of the county treasurer the total sum of money shown by the said statement to have been received by the recorder under the provisions of this Act during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this Act in a State or National Bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.

§ 8. Each recorder, or deputy recorder, and the sureties upon his bond, shall be liable for the proper disposition of any money, property, or other thing of value coming into possession of said recorder, or deputy recorder, by reason of his employment, and for the payment of all money received

or collected by the recorder, or deputy recorder, for the general fund of the county to the county treasurer or proper county officer or agent, until the recorder, or deputy recorder, and the sureties upon his bond, are released and fully discharged from further liability by the fiscal court of the county, by order entered of record.

§ 9. Each person hereafter appointed and thereafter holding the office of constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-four hundred ($2,400.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, and each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of fifteen hundred ($1,500.00) dollars per annum which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any constable or deputy constable for any month exceed the amount paid into the general fund of said county by the said constable or deputy constable, pursuant to section (2) hereof, during the preceding month.

§ 10. In each county in which this Act is effective the fiscal court thereof shall, by order entered of record, designate a place within each magisterial district within the county, at which designated place the justice of the peace of the said district shall hold all sessions of court and shall at all times there keep all records pertaining to his office. The place so designated in each magisterial district shall be located in or as closely adjacent to the county court house as is practicable, the purpose of this requirement being to effect as nearly as is possible a central location for the holding of sessions of courts of the justices of the peace within the same county. The justice of the peace, constable, deputy constables, and recorders in each of the respective districts shall have a common office at the place so designated, and no justice of the peace, constable, deputy constable, or recorder

shall have, directly or indirectly, an office or other place within the district, or within the county, for the transaction of official business, nor shall either of them transact any official business elsewhere except as authorized by law. No attorney at law or other person shall, directly or indirectly, have or maintain an office at or in conjunction with the common office of the justice of the peace, constables and recorders. The expense of maintaining the various offices so established within the several magisterial districts of a county shall be paid in usual course, out of the general fund of the county, in such manner, and subject to such preliminary approval, as the fiscal court may require. Each of the said offices shall be originally equipped and shall thereafter be kept provided with necessary furniture, clerical and other equipment, record books, stationery, and supplies, which shall be paid for, in usual course, out of the general fund of the county, by authority of the fiscal court.

§ 11. The justices of the peace shall collect, upon each original civil action or proceeding commencing with original process in the courts conducted by them within the said magisterial districts, the sum of one ($1.00) dollar, which sum shall be collected when each action or proceeding is filed, and applied as a credit upon the costs accruing in the respective actions or proceedings, and upon receipt or collection shall become a part of the general fund of the county, and shall be reported and disposed of as provided in Sections 2 and 7 of this Act.

§ 12. The justices of the peace of each of the counties in which this Act is effective shall, immediately after the effective date of this Act, meet and adopt appropriate and uniform rules of court, not inconsistent with the Civil and Criminal Codes of Practice, for the governance of justices' courts within the said counties, and upon approval of a majority of the justices within the same county, each justice of the peace therein shall immediately cause an order to be entered upon the records of each justice's court held within the county, publishing the said rules at length and adopting

them as the rules of each of the said courts. The rules of court may be amended at any time by a majority of the justices of the peace holding office within the same county, at a joint meeting held for that purpose upon notice signed by one or more of said justices.

§ 13. If any recorder or deputy recorder shall make, or knowingly permit others to make a false entry in any books, ledgers or accounts which such recorder or deputy recorder is required by this Act to keep, or shall fail to make any proper entry in such books, ledgers or records of accounts, with intent to cheat or defraud this Commonwealth, or the county, or any officer, person, or corporation; or, if any recorder or deputy recorder shall knowingly embezzle, or misapply, misappropriate, or withhold any money or property, or other thing of value belonging to the State or the county, or any money which is declared by this Act to be a part of the general fund of the county, or which has come into his possession or control by reason of his employment; or, if any recorder or deputy recorder shall knowingly make, or participate in the making of any false statement or report, with such intent, such recorder or deputy recorder shall, upon conviction thereof, be deemed to be guilty of a felony and shall be confined in the penitentiary not less than two nor more than ten years.

§ 14. If any justice of the peace, constable, or deputy constable shall, directly or indirectly, cause, aid, abet, or connive in the making of a false entry in any official books or records, or shall directly or indirectly cause, aid, abet, or connive in the omission of any proper entry from any books or records, with intent to cheat or defraud this Commonwealth, or any county, or any officer, person, or corporation, either for the benefit of himself or another; or if any justice, constable, or deputy constable shall embezzle, or misapply, or misappropriate, or withhold any money or property, or other things of value belonging to any county, or any money which is declared by this Act to be a part of the general fund of the county, or which has come into his possession or control

officially, or if any justice, constable, or deputy constable shall cause, counsel, aid, abet, encourage, or participate in the making of any false statement or report with such intent, such justice of the peace, constable, or deputy constable shall, upon conviction thereof, be deemed to be guilty of a felony and shall be confined in the penitentiary not less than two or more than ten years, the office held by such person shall become vacant, and the judgment of conviction shall so recite, but such justice, constable, or deputy constable shall have the right to appeal to the Court of Appeals.

The crimes and penalties herein defined shall be cumulative and in addition to the crimes and penalties which apply to justices of the peace and constables, otherwise provided by law.

§ 15. That, Section one thousand seventy-nine (1,079) of the Kentucky Statutes (Carroll's 1930 Edition) be and the same is hereby amended as follows, to-wit:

By striking out the words:

"Provided, that in the counties containing a city of hundred fifty thousand population or more there shall be established eight magisterial districts, four of which shall be laid off within the corporate limits of such city and four in that portion of the county outside the limits of such city."

And by substituting in lieu thereof the words:

"Provided, that in counties containing a population in excess of two hundred fifty thousand (250,000), there shall be established three magisterial districts which shall be laid off diverging from, as nearly as may be, the county court house of the county. The County Judge of such counties shall, in open court on the first Monday in August, one thousand nine hundred and thirty-two, appoint three competent citizens of such county or counties, over twenty-one years of age, and residing in different portions of the county, as com-

missioners to divide the county into three magisterial districts laid off as herein provided."

So that said section, when amended and re-enacted shall read as follows:

"The County Judge of each county shall, in open court, on the first Monday in August, one thousand eight hundred and ninety-two, appoint three competent citizens of the county over twenty-one years of age, and residing in different portions of the county and in different justices' districts, as commissioners to divide the county into not less than three nor more than eight justices' districts, as nearly equal in territory and population as may be; provided, that in counties containing a population in excess of 250,000 there shall be established three magisterial districts which shall be laid off diverging from, as nearly as may be, the county court house of the county. The County Judge of such counties shall, in open court on the first Monday in August, one thousand nine hundred and thirty-two, appoint three competent citizens of such county or counties, over twenty-one years of age, and residing in different portions of the county, as Commissioners to divide the county into three magisterial districts laid off as herein provided."

By Senator Hamilton.

S. B. 83. An Act to provide for the postponement of the rendition of judgment and the use of probation in criminal cases, providing for the appointment and compensation of probation officers and defining their powers and duties.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Probation and Postponement of Rendition of Judg-

ment. The courts may place on probation any person before them charged with crime, except in cases where the penalty of life imprisonment or death may be inflicted. After conviction or a plea of guilty, the courts may postpone the rendition of judgment and place the defendant on probation.

§ 2. Investigation. When directed by the court the probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of any defendant. No defendant charged with a felony, and, unless the court shall direct otherwise in individual cases, no other defendant shall be placed on probation or released under the postponement of the rendition of judgment until the report of such investigation shall have been presented to and considered by the court. Whenever practicable, such investigation shall include physical and mental examinations of the defendant. If such defendant is committed to any institution, a copy of the report of such investigation shall be sent to the institution at the time of commitment.

§ 3. Conditions of Probation. The court shall determine and may at any time modify the conditions of probation and may include among them the following, or any other: That the probationer shall:

(a) Avoid injurious or vicious habits;

(b) Avoid persons or places of disreputable or harmful character;

(c) Report to the probation officer as directed;

(d) Permit the probation officer to visit him at his home or elsewhere;

(e) Work faithfully at suitable employment as far as possible;

(f) Remain within a specified place;

(g) Pay money, in one or several sums as directed by the court in a total amount not to exceed the sum named in the verdict or imposed by the court;

(h) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense, in an amount to be determined by the court;

(i) Support his dependents.

§ 4. Termination of Probation, Arrest, Subsequent Disposition. The period of probation or of postponement of rendition of judgment shall be determined by the court and may be continued or extended. Upon the satisfactory fulfillment of the conditions of probation the court shall by order duly entered discharge the defendant, and the defendant shall not thereafter be put in jeopardy for the offense for which he was placed on probation. At any time during the period of probation or of postponement of rendition of judgment, the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or of postponement of rendition of judgment. Any probation officer, police officer or other officer with power of arrest, upon the request of the probation officer, may arrest a probationer without a warrant. In case of an arrest without a warrant the arresting officer shall have a written statement by said probation officer setting forth that the probationer has, in his judgment, violated the conditions of probation and said statement shall be sufficient warrant for the dentention of said probationer in the county jail, or other appropriate place of detention, until such probationer can be brought before the court. Such probation officer shall forthwith report such arrest and detention to the court and submit in writing a report showing in what manner the probationer has violated his probation. Thereupon the court, after a hearing, may revoke the probation or the postponement of rendition of judgment and shall, in such case, proceed to deal with the case as if there had been no probation or postponement of rendition of judgment.

§ 5. Appointment of Probation Officers. The judge or judges of each circuit shall appoint one or more probation officers from a list certified to said judge or judges by the State Board of Probation. All appointments of probation officers shall be made by orders entered of record in the circuit court and a certified copy of such court order shall be transmitted by the clerk thereof to the State Board of Probation. In order to qualify as probation officer, such person appointed as aforesaid shall appear before a judge of the circuit in which he is to serve and take the oath of office as prescribed by law, which oath shall be administered by said judge and the act noted of record by the clerk, and shall give bond to the Commonwealth of Kentucky with corporate surety in an amount fixed by said judge for the safe-keeping of all moneys collected, which bond shall be forwarded to and lodged with the State Board of Probation.

§ 6. Jurisdiction of Probation Officers—Removal. The jurisdiction and powers of a probation officer shall be coextensive with the judicial district for which he is appointed to serve. The judge of a court other than the circuit court may request the judge or judges of the circuit court for the services of the probation officer, and upon consent entered of record by such circuit court said probation officer shall serve in such other court with like powers and duties as in the circuit court.

The judge or judges of any circuit court shall have power to suspend or remove any probation officer serving in that court for incompetency, misconduct, failure to carry out the orders of the court, or neglect of any duty. Such suspension or removal shall be made by order entered of record, which order shall include a statement of the reasons for such suspension or removal, and a certified copy of such order shall be transmitted by the clerk of the court to the State Board of Probation.

§ 7. Compensation. Probation officers appointed under this Act shall be paid such salaries as the State Board of

Probation shall determine, out of State funds as provided by law. Such salaries, however, shall be not less than fifteen hundred dollars ($1,500) nor more than twenty-five hundred dollars ($2,500) per year. Probation officers shall also be paid their traveling and other necessary expenses incurred in the performance of their duties, after the same have been approved by the judges in whose courts they serve.

§ 8. Duties and Powers of Probation Officers. A probation officer shall investigate all cases referred to him for investigation by any court in which he is serving and shall report in writing thereon to the court. He shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each probationer under his supervision by visiting, requiring reports and in other ways and shall report thereon in writing as often as the court may require. Such officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court, to aid and encourage persons on probation and to bring about improvement in their conduct and condition. Such officer shall keep detailed records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision and shall keep or give receipts therefor; shall pay over all moneys collected from the defendant to the court having jurisdiction of the person on probation; and in the event that such money collected is restitution, or for the support of neglected or abandoned dependents, such moneys shall be paid to the aggrieved, neglected or abandoned parties and receipts therefor taken, and filed in the records of the case; shall make such reports in writing to the State Board of Probation as it may require; and shall perform such other duties as the court may direct. Any probation officer, with the approval of the court, may act as parole officer over persons released from any correctional institution upon the request and with the consent of the parole authorities in this Commonwealth. A probation officer shall have, in the execution

of his duties, the powers of arrest and the same right to execute process as is now given, or that may hereafter be given by law, to the sheriffs in this Commonwealth.

§ 9. Protection of Records. All information and data obtained in the discharge of official duty by any probation officer shall be privileged information, shall not be receivable as evidence in any court, and shall not be disclosed directly or indirectly to anyone other than to the judge or to others entitled under this Act to receive reports, unless and until otherwise ordered by such judge.

§ 10. Transfers of Cases. A court may transfer a person on probation under its jurisdiction from the supervision of one probation officer to that of another probation officer in this or any other State. Such transfer shall be reported by the court to both such probation officers and to the person on probation, and a copy of such transfer shall be filed with the records of the case. Whenever a person placed on probation resides in a locality or district in this or another State outside the jurisdiction of the court which placed such person on probation, or whenever a person on probation desires to remove to a locality or district outside its jurisdiction, such court may transfer such probationer to a probation officer regularly appointed and authorized to serve for the locality or district where such probationer resides or to which he is to remove; provided, that such probation officer sends to the court desiring to make such transfer a written statement that he will receive and exercise supervision over such probationer and, provided further, that such statement is approved in writing by the judge or judges of the court, if located in the Commonwealth of Kentucky, to which such probation officer is attached. Such probation officer shall report concerning the conduct and condition of said probationer to the court which placed the defendant on probation.

§ 11. Office Accommodations. The fiscal court in each county in which a probation officer serves shall provide in or near the court house suitable office space for such officer.

§ 12. Chief and Assistant Probation Officers—Meaning of Terms. When there are two or more probation officers appointed for one district or circuit, one shall be designated by the judge or judges thereof as "Chief Probation Officer" and the others as "Assistant Probation Officers." The word "Probation Officer" as used in this Act shall include chief and assistant probation officers, unless otherwise specified. The word "probation" shall mean the placing of a defendant under the supervision of a probation officer by order of and under conditions imposed by the court.

§ 13. This Act shall take effect from and after its passage and approval by the Governor.

By Senator Hamilton.

S. B. 84. An Act to create a State Board of Probation, to define its powers and duties, and to provide for the appointment and compensation of a State Director of Probation and other employees and appropriating necessary funds from the general fund for its administration.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. State Board of Probation Created. Appointments. Terms of Office. The Governor shall, within four months after this Act takes effect, appoint five persons to constitute the State Board of Probation. The members first appointed shall serve for one, two, three and four years respectively. The fifth shall serve for one year. Their successors shall be appointed by the Governor for a term of four years each. Vacancies shall be filled for the unexpired terms.

§ 2. Powers and Duties of the Board of Probation. The

Board shall exercise general supervision over the administration of probation in all courts of the State. It shall meet at stated times to be fixed by it, not less often than once in two months, and on call of the Chairman, to consider all matters in relation to probation in the State. The Board shall make an annual report to the Governor, with statistical and other information and recommendations regarding the administration of probation and the laws relating thereto.

The Board shall keep informed of the work of all probation officers; may inspect the work of any probation officers and shall have access to all probation offices and records; shall compile and publish annually a list of the probation officers of the State; shall inform courts and probation officers of legislation concerning probation and of developments in the administration of probation; shall require reports of their work at regular intervals from probation officers and the juvenile courts; shall prescribe the form of records and reports to be used by probation officers; and shall consult and co-operate with the courts and probation officers in the development of methods and procedure in the administration of probation. The Board may arrange conferences of probation officers and judges.

The Board shall from time to time conduct competitive examinations to establish lists of persons eligible for appointment as probation officers in the Circuit Courts, prescribe qualifications for entrance to such examinations and establish rules for the conduct of such examinations and the eligibility of candidates for appointment, provided that no person shall be eligible for such examination or appointment unless he have a college education or its equivalent. The Board may also conduct such examinations and recommend persons for appointment as probation officers in any juvenile court, on request of the judge thereof. No person shall be appointed probation officer in any Circuit Court of this State who has not been certified by the Board in pursuance of such rules and examination. The Board may recommend to the proper authority the discharge of any probation officer.

§ 3. Employees of the Board, Compensation. The Board shall employ a Director of Probation who shall be its chief executive officer and who shall receive a salary at the rate of not less than three thousand six hundred dollars a year; it may employ such other persons at such salaries as may be necessary in the conduct of the business of such Board. The duties of the Director of Probation and other employees shall be designated by the Board. The General Assembly shall provide for the necessary and reasonable traveling expenses of the members of such Board and the employees thereof. Suitable office accommodation shall be provided for the Board and its employees.

§ 4. Appropriation. There is hereby appropriated out of the general funds the sum of forty thousand ($40,000) dollars for the administration of this Act including the salaries and expenses of probation officers appointed by circuit judges.

§ 5. This Act shall take effect from and after its passage and approval by the Governor.

Senator Johnson moved that the Senate do now adjourn.

Said motion was agreed to.

MONDAY, JANUARY 18, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Doctor James E. Savage of the Methodist Church of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	H. M. Brock	Dr. T. J. Edge
W. W. Booles	Edwin C. Dawson	Thos. C. Ferguson

Walter N. Flippin	Rev. C. D. McCaw	Dr. Lewis Ryans
Chas. G. Franklin	C.T.McCormick,Sr.	E. D. Stephenson
Perry B. Gaines	Wm. Mehler	Joe Stewart
Arch Hamilton	E. C. Moore	Thos. O. Turner
J. S. W. Holloway	Ray B. Moss	Fred C. VanHoose
Robert Humphreys	D. C. Naive	F. M. White
Wm. Isaacs	Marion F. Pogue	Sewell B. Williams
Silas Jacobs	Dr. G. W. Ragan	W. A. Yates
Alex E. Johnson	O. M. Rogers	Allie W. Young
L. C. Littrell	J. M. Rose	Gates F. Young
Frank I. Lloyd	R. H. Royster	—38

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Mr. M. Peale Collier and Mr. Pearce Patton of Paris.

Said request was granted.

Senator Humphreys moved that the privileges of the floor be extended to Pres. Blackburn of Princeton and Charles Barnett of Madisonville.

Said request was granted.

Senator Lloyd moved that the privileges of the floor be extended to Mr. J. J. Berry of Louisville.

Said request was granted.

Senator Moore moved that the privileges of the floor be extended to Mrs. Wm. Shanks.

Said request was granted.

Senator Royster moved that the privileges of the floor

be extended to Mr. L. W. Springfield of Sebree for Monday and Tuesday.

Said request was granted.

Senator VanHoose moved that the privileges of the floor for the 1932 session be extended to Mr. and Mrs. Ben E. Niles.

Said request was granted.

Senator Bondurant moved that the privileges of the floor be extended to Mr. H. C. Jordan of Irvington.

Said request was granted.

Senator Stephenson moved that the privileges of the floor be extended to Mr. John Thurmond of Christian County.

Said request was granted.

Bills of the following titles were introduced, referred and ordered printed, as follows, namely:

By Senator Royster.

S. B. 85. An Act to amend and re-enact Section 1954b-11 of Carroll's Kentucky Statutes, 1930 Edition, relating to fur-bearing animals, changing the date of the closed season.

To Committee on Game and Fish.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1945b-11 of Carroll's Kentucky Statutes, 1930 Edition, be amended by striking out the word "January" and substituting therefor the word "February" so that

said section as so amended and re-enacted will read as follows:

No person shall take, trap, shoot or kill any beaver, mink, raccoon, fox, otter, opossum or skunk in the State of Kentucky from the first day of February to the 14th day of November, both days inclusive, of any year; except that the raccoon, opossum, skunk and mink may also be taken and killed by dog or gun between the first day of October and the 15th day of February, both days inclusive, of any year; provided, however, that when any of the animals mentioned in this section are found injuring or doing damage to or destroying any property, the person whose property is being damaged, injured or destroyed, may at any time kill them on his own premises when necessary for the protection of his property. Any person violating this section, or any portion thereof, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) for each offense to which may be added imprisonment in county jail not exceeding thirty days.

By Senator Flippin.

S. B. 86. An Act providing that no conduct statement or representation made by any officer or officers of this Commonwealth or any county municipality or taxing district therein shall be received as evidence against or serve to estop the Commonwealth of any county, municipality or taxing district thereof from contesting the legality of any tax or indebtedness authorized or created in excess of the constitutional or legal limits relating to such indebtedness.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That no conduct, statement or representation by any

officer or officers of the Commonwealth of Kentucky, or of any county, municipality, or taxing district in this Commonwealth, shall be received as evidence against or serve to estop the Commonwealth or such county, municipality or taxing district from contesting the legality of any tax or indebtedness authorized or created by either the Commonwealth of Kentucky or such county, municipality or taxing district in excess of the constitutional or legal limits relating thereto.

All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Moore.

S. B. 87. An Act relating to the conveyance of the Perryville Battlefield to the United States of America for national cemetery or park purposes.

To Committe on National Parks.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the United States Congress enacts a law authorizing the United States of America to take over and become possessed of the Perryville Battlefield, now in the hands of the commissioner of the Perryville Battlefield, for and on behalf of the Commonwealth as is provided by the Acts of 1928, Chapter 107, and approved by the Governor of the Commonwealth of Kentucky March 21, 1928, the Governor of Kentucky is hereby authorized and directed to appoint a commissioner to make and execute, and said commissioner is hereby authorized and directed to make and execute for and on behalf of the Commonwealth of Kentucky, a deed conveying fee simple title to the United States of America for national cemetery or park purposes, in conformity with the provisions of the said Act of Congress when enacted,

seventeen and three-fourths (17¾) acres of land, more or less, in Boyle County, Kentucky, now owned and held by the Commonwealth of Kentucky, together with all improvements thereon and appurtenances thereunto belonging; such conveyance to be made free of any cost or charge to the United States of America for the property so conveyed. The said commissioner is hereby authorized to ascertain by survey or otherwise the metes and bounds of said land so conveyed and to include in said deed an appropriate description of said land; and also a clause or proviso to the effect that, if and when the United States Government shall cease to use or maintain the land thus conveyed as a national cemetery or park, the same if demand to that effect shall be made by the Governor of Kentucky, shall revert to the Commonwealth of Kentucky, and complete jurisdiction over same shall thereupon be again vested in said Commonwealth of Kentucky. The said deed shall be in such forms as shall be agreeable to the provisions of said Act of Congress, when enacted, and this Act; and the action of said commissioner shall be and constitute the action of the Commonwealth of Kentucky in the premises.

§ 2. When such conveyance to the United States of America shall be made for and on behalf of the Commonwealth of Kentucky, exclusive jurisdiction shall then and thereby be ceded by the Commonwealth of Kentucky to and vested in the United States of America over the land so conveyed for all purposes, except that civil and criminal process issued by or under the authority of said Commonwealth may be executed thereon the same as heretofore; but the jurisdiction hereby ceded shall continue no longer than the United States of America shall own said land.

§ 3. When such conveyance shall be made to the United States of America for and on behalf of the Commonwealth of Kentucky, land so conveyed with all structures and improvements erected or maintained thereon, so long as same may remain the property of the United States, shall be exempt from all taxes and assessments imposed or levied by or under

the authority of the Commonwealth of Kentucky or any county, municipality or district thereof.

§ 4. When said land shall be duly conveyed to the United States of America agreeable to and for the purposes named in said Act of Congress, exclusive jurisdiction of the Commonwealth of Kentucky over same shall be then and thereby ceded and shall vest in the United States of America so long as same shall be used for national cemetery or park purposes; except that civil and criminal process issued by or under the authority of said Commonwealth may be executed thereon the same as heretofore; and in like manner as provided in Section 3 hereof, all structures and improvements erected or maintained thereon so long as same will remain the property of the United States, shall be exempt from all taxes and assessments imposed or levied by or under the authority of the Commonwealth of Kentucky or any county, municipality or district thereof.

§ 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

By Senator Moore.

S. B. 88. An Act creating and establishing as a part of the primary road system of highways of the State of Kentucky a road running from Pellyton in Adair County to a point intersecting with the State highway leading from Liberty to Campbellsville at or near Price's shop, said road to be designated by the State Highway Department with an appropriate project number.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary

system of State highways of the Commonwealth of Kentucky a road leading from Pellyton, in Adair County, Kentucky, to a point in, and intersecting with, the State highway leading from Liberty to Campbellsville at or near Price's shop. This project to follow as near as practicable the old Pellyton and Dunnville road from Pellyton to Riffe's Creek in Casey County and thence by way of Rheber to the point of intersection in the said Liberty and Campbellsville Highway.

The route thus established to be designated "The Crockett Trail," and to be entitled to receive all benefits of such laws as are now or may hereafter be in effect with relation to the primary road system.

By Senator Rose.

S. B. 89. An Act amending Chapter 187, Section 3 of 1926, making it mandatory to pay pension to persons with permanent disability under the provision of said chapter.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 187, Section 3 of the Acts of the General Assembly of 1926 be amended and re-enacted by adding to Section 3 of said Act these words. Any county adopting the provisions of this Act and an applicant furnishing a certificate of two reputable physicians showing permanent total disability and such applicant meeting all the other requirement, then it shall be mandatory on the county judge to grant such pension and pay such pension by the county, subject, however, to all the provisions of said Act. The minimum age for such applicants with total permanent disability shall be sixty-five years of age.

Said Section 3 when amended and re-enacted shall read

as follows: An old age pension may be granted only to an applicant who has attained the age of seventy (70) years or upwards, and has been a citizen of the United States for at least fifteen (15) years before making application for a pension and has resided in the State and county in which he makes application for at least ten (10) years immediately preceding the date of application.

Any county adopting the provisions of this Act and an applicant furnishing a certificate of two reputable physicians showing permanent total disability and such applicant meeting all the other requirements, then it shall be mandatory on the county judge to grant such pension and pay such pension by the county, subject, however, to all the provisions of said Act. The minimum age for such applicants with total permanent disability shall be sixty-five years of age.

By Senator Rose.

S. B. 90. An Act to exempt land owners from paying taxes on mineral rights owned by other parties and prescribing the manner of relief thereof.

To Committee on Revenue and Taxation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The owner of any land in the Commonwealth of Kentucky whose deed or title to such land does not include title to the mineral right of any part thereof on the land as listed for taxation shall not be required to pay taxes on the value of the mineral right or any part thereof owned by another person or persons, but the tax on the value of such mineral right or any part thereof shall be paid by the lawful owner of such mineral right.

§ 2. The Board of Equalizers of each county of this

Commonwealth shall give the proper relief to any land owner in conformity with this statute.

§ 3. Any law in conflict is hereby repealed to the extent of such conflict.

By Senator Rose.

S. B. 91. An Act to provide for the use of probation and the withholding of judgment in circuit courts of this Commonwealth, providing for the appointment of probation officers and defining their powers and duties.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The judge of any circuit court having jurisdiction of criminal cases in this State shall appoint one or more persons to act as probation officers for a term of four years, under the direction of the court for which they are authorized to serve. Such judge, or his successor, may at his discretion remove any probation officer serving in such court.

The appointment of a probation officer shall be in writing and entered records of the courts of the judge making such appointment; one copy of the order of appointment shall be delivered to the officer so appointed and one copy thereof filed in the office of the State Board of Charities and Corrections. Each probation officer before entering upon the duties of his office shall take an oath of office to be administered by the judge making the appointment, and no one shall be qualified to act as such probation officer unless he or she be a citizen of this Commonwealth, be at least twenty-five years of age, and have a high school education, or the equivalent thereof. The judge authorized to appoint a probation officer

shall so determine, shall fix the amount thereof at not less than $1,200.00 and not more than $3,000.00 per annum, which shall be paid by the fiscal court from the county levy of the respective counties wherein such officer is appointed. The amount so fixed shall be paid in the same manner as the salaries and expenses of county officers; when a probation officer is appointed in a judicial district consisting of two or more counties, the circuit judge in said district shall apportion the salary and expenses of the probation officer for such district, to be apportioned and paid according to the population of the respective counties as shown by the last United States census; provided, that no person shall be appointed as probation officer without a certificate of qualification from the State Board of Charities and Corrections of this Commonwealth.

The State Board of Charities and Corrections shall establish rules and regulations pursuant to which appointments under this Act shall be made with a view that such appointments shall be based upon merit only.

§ 2. Upon the finding of a defendant guilty of any crime or offense in any circuit court in this Commonwealth, if it appears compatible with the public interest, and if the defendant shall consent thereto, the court having jurisdiction, may withhold entering judgment upon said verdict or finding, and, upon receiving the report of the probation officer, which shall be made within thirty days, may place the defendant on probation under the supervision of a probation officer for such period and under such conditions of probation as the court shall determine (It is provided, however, that before any defendant convicted of crime shall be put on probation by any circuit judge of the Commonwealth, a committee on probation composed of the county judge, the circuit court clerk and one minister of the Gospel to be named by the circuit judge of the county or district wherein the county is located shall hear all the report and mitigating facts and circumstances as gathered by the probation officer or facts known by any individual and shall by majority vote certify

to the circuit judge recommending such probation as is contemplated for anyone convicted of crime.); the court may subsequently increase or decrease the probation period under the supervision of a probation period and may revoke or modify any condition of probation; and until the final determination of the question of probation by the court, the defendant shall be entitled to execute bail; provided, that no probation period, without extension, may continue for more than five years. While on probation the defendant may be required to make restitution or reparation to the aggrieved party or parties for the actual damages or losses caused by the offense for which the jury has returned a verdict of guilty, or may be required to provide for the support of a wife or others for whose support he may be legally responsible.

At any time within the probation an officer may arrest the probationer with or without a warrant or the court may issue a warrant for his arrest. Thereupon such probationer shall forthwith be taken before the court. At any time after the probation period, but within the maximum period fixed by a verdict of the jury or by the court, the court may issue a warrant and cause the defendant to be arrested and brought before the court. When the problem is brought before the court, the court may revoke the probation and other such judment as might have originally been entered, and thereupon impose sentence. The provisions of this Act shall not apply to any crime where the punishment may be as much as a life term in the penitentiary or a death sentence, nor shall the provisions of this Act apply to any person previously convicted of a felony in this Commonwealth.

§ 3. Transfers. A court may transfer a person on probation under its jurisdiction from the supervision of one probation officer to that of another probation officer. Such transfer shall be reported by the court to both of such probation officers and to the person on probation and a record of the transfer shall be filed with the records of the case. Whenever a person placed on probation resides in a locality or district outside the jurisdiction of the court which placed

such persons on probation, or whenever a person on probation desires to remove to a locality or district outside the jurisdiction of such court, the court placing such person on probation to a probation officer regularly appointed and authorized to serve for the locality or district in which such person resides or to which he is to remove; provided, such probation officer sends to the court desiring to make such transfer a written statement that he will exercise supervision over such persons; and, providing, such statement is approved in writing by the judge of the court to which probation officer is attached. Such probation officer shall report concerning the conduct of such person to the judge of the court who placed the defendant on probation.

§ 4. Duties and Powers of Probation Officers. Every probation officer shall investigate all cases referred to him for investigation by any court in which he is serving and shall report thereon to the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each person or probation under his supervision by visiting, the requiring of reports, and in other ways; and shall report thereon at least monthly to the court placing such person on probation. Such officer shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid and encourage persons on probation and to bring about improvement in their conduct and condition. Such officer shall keep detailed records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision; shall keep or give receipts thereof, shall make such reports to the State Board of Charities and Corrections as it may require; and shall perform such other duties as the court may direct. Any probation officer with the approval of the appointment judge may act as parole officer over persons released from any correctional institution upon the request or with the consent of the authorities thereof. A probation officer shall have, in the execution of his duties, the power of a peace officer.

§ 5. A person tried, convicted and placed on probation shall appear in person on a day to be designated by the circuit judge in the county where convicted at each and every regular term of circuit court in said county, during the time of probation, and in case of transfer to the circuit judge of the court in the county of legal residence. The circuit judge shall have kept a record of such attendance and shall inquire in open court as to the conduct of such person and whether or not the rules of probation are being strictly observed by such person as may be on probation.

By Senator Johnson.

S. B. 92. An Act providing for the licensing of drivers of motor vehicles upon the highways of this Commonwealth, providing for the issuing and revocation of same, the recording of motor vehicles offenses, fixing the amount of said license, and providing penalties for violations.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. On and after the first day of October, 1932, no person shall drive or operate a motor vehicle upon any highways of this Commonwealth unless such person shall have obtained a driver's license as hereinafter provided.

A motor vehicle as used in this Act shall include all vehicles that are propelled otherwise than by muscular power, except road rollers, road machinery or any farm tractor or implement of husbandry and such vehicles as travel exclusively on rails.

§ 2. Said license shall be issued by the State Tax Commission, or whoever now or hereafter issues automobile li-

censes, through the County Clerk of the county in which the applicant resides.

§ 3. Before said license shall be issued, said applicant shall be required to swear to an application blank furnished by the State Tax Commission that he is sixteen years of age or older, sober and discreet, and able physically and mentally to operate a motor vehicle. In said application shall be inserted the applicant's name, sex, residence, occupation, approximate height and weight, and previous experience in operating motor vehicles.

§ 4. Upon swearing to such application, the County Clerk shall issue to said applicant a card of convenient size, and on one side of this card shall appear applicants' name, sex, residence, weight and height and a blank line for the signature of applicant, which signature shall be written in the presence of the Clerk. The other side of the card shall contain blank lines for inserting by the Clerk of any Court any record of any conviction of the applicant for violation of the motor vehicle laws.

§ 5. An instruction permit shall be issued to any person over the age of sixteen years on an application for a temporary instruction permit, and such permit shall entitle the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of sixty days when accompanied by a duly licensed driver who is actually occupying a seat beside the driver and there is no other person in the vehicle.

§ 6. Licensees shall be required to carry said card at all times and present same when called upon by any law enforcing officer or any person with whom said licensee may have had an accident.

§ 7. Said license shall be permanent unless suspended or revoked as hereinafter provided.

§ 8. Licensees shall pay for the issuing of said license,

including the swearing to the application, the sum of fifty cents. The County Clerk shall retain thirty cents as his fee, and shall remit twenty cents to the State Tax Commission to be used for the furnishing of material and for the carrying out of this Act.

§ 9. Any license so granted may be revoked or suspended after an open trial with due notice to the licensee whenever in the judgment of the Judge of the County Court, the licensee has shown himself unfit, physically or mentally, to operate a motor vehicle upon the highways of this Commonwealth, or whenever in the judgment of the Judge of the County Court the licensee has violated the motor vehicle law or laws of this Commonwealth, so that in the opinion of said judge, said licensee is unfit to operate a motor vehicle. It shall be within the discretion of said County Judge whether the revocation shall be permanent or whether it shall be a suspension of said license for a certain given time. An appeal from the rulings and decisions of said County Judge may be had to the Circuit Court.

§ 10. In the event a license has been permanently revoked or suspended for a period longer than one year, such person with a revoked or suspended license may, after a period of one year, apply to the Judge of the County Court, in which said licensee was suspended or revoked, for reinstatement, and the procedure shall be the same as in Section 9 of this Act.

§ 11. Non-resident drivers who have complied with the driver's license law in their own State shall be exempt from the provisions of this law for the same length of time that is granted to non-residents of their State. Non-resident drivers from States that do not have a driver's license law shall be exempt from the provisions of this law for a period of thirty days in any one calendar year.

§ 12. If said license card is lost or mutilated, the licensee may obtain a duplicate upon the payment to the County Clerk

of the sum of twenty-five cents. Before issuing said duplicate card, said clerk shall insert on the card all offenses that have been recorded against such licensee.

§ 13. No person, firm or corporation owning or having the custody of a motor vehicle shall allow or permit same to be operated upon the public highways of this Commonwealth by any person who has not complied with all of the provisions of this Act.

§ 14. It shall be the duty of the County Clerks to keep a docket for the recording of every conviction under the motor vehicle laws of this Commonwealth, and on and after October 1, 1932, it shall be the duty of any court in which a conviction has been had for the violation of any motor vehicle laws of Kentucky, to notify the County Clerk of said conviction in which the license was issued. All said notices shall be kept on the docket of said County Clerk. Notice of all such convictions shall be sent to the State Tax Commission who shall keep a permanent record of same.

§ 15. It shall be the duty of the State Tax Commission or any officer to whom like duties may be conferred by law, to furnish all necessary blanks and cards used, and do all things necessary to the administration of this Act.

§ 16. Any person violating any of the provisions of Sections one, two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen shall be deemed guilty of a misdemeanor, and upon conviction be fined not more than One Hundred Dollars or by confinement in the county jail for a period of not more than thirty days.

§ 17. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional or invalid, such provision shall not affect or impair the remainder of the Act, and the decisions of the courts shall not affect or impair the remaining provisions of this Act. It is hereby declared a legislative intent that this Act would have been adopted had any unconstitutional provisions not been included herein.

§ 18. All laws and acts of the General Assembly inconsistent herewith are hereby repealed.

By Senator Humphreys.

S. B. 93. An Act to amend and re-enact section 1461 of the 1930 edition of Carroll's Kentucky Statutes.

To Committee on Suffrage and Elections.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1461 of the 1930 edition of Carroll's Kentucky Statutes be amended and re-enacted so as to read as follows:

"They shall be printed on the same leaf with a stub, and separated therefrom by a perforated line, and shall be bound, with stubs attached thereto, into books, one for each voting precinct, which book shall contain at least fifty per cent more ballots than the votes cast at such precinct at the preceding election; except in precincts where registration is required, the books shall contain as many ballots as there are registered voters therein, with a reasonable number added to supply ballots that may be spoiled. Upon the covers of such books shall be printed the designation of the precinct for which the ballots have been prepared, and on the inside of one of the covers of the book shall be printed the form hereinafter given for the election return. The stub shall be printed as follows: Consecutive numbers, ———— (After these words the consecutive numbers shall be printed, beginning with one and increasing in regular numerical order; name of voter, ——— ———— (After these words the clerk shall set down the voter's name). In all precincts where registration is required, in addition to the foregoing, there shall be printed on the stub as follows: Residence, ——————— (after

this word the clerk is to set down the voter's residence or registered number)."

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

By Senator Humphreys.

S. B. 94. An Act to amend and re-enact section 1460 of the 1930 edition of Carroll's Kentucky Statutes.

To Committee on Suffrage and Elections.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1460 of the 1930 edition of Carroll's Kentucky Statutes be amended and re-enacted so that when done the section will read as follows:

"The county clerks of the several counties shall cause the names of all candidates of their respective jurisdictions, where nominations for any office specified in the ballot have been duly made and not withdrawn, in accordance herewith, to be printed on one ballot all nominations of any party or group of petitioners, as designated by them in their certificate or petition; or if none be designated, under some suitable title and device. If the same device for designating candidates be selected by two parties or groups of petitioners it shall be given to the one which first selected it, and the clerk shall select a suitable device for the other. The arrangement of the ballot shall in gneral conform, as nearly as practicable, to the plan hereinafter given, and the devices named and lists of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State may direct, precedence, however, being given to the party which polled the higher number of votes for the head of the ticket in the

last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The device shall not be enclosed in a square, but immediately under the device shall be placed a circle of one inch in diameter. Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title the list of candidates of the party, the name of each candidate having immediately on its right a small square large enough to contain the cross-mark by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name, and the general arrangement shall conform as nearly as possible to the following:

(Insert cut contained in Carroll's Kentucky Statutes.)

Name of voter .....

Consecutive number .....

Residence .....

Party emblems in here .....

(Continuing in like manner as to all candidates to be voted for at such elections.)

Name of voter .....

Consecutive number .....

"On the back shall be printed 'official ballot,' the date of the election, and facsimile of the signature of the clerk, who has caused the ballot to be printed. There shall also be printed on the back of the ballot a blank line followed by the word 'judge,' and after the ballot has been detached from the stub in the book of ballots and before the ballot is delivered to the voter to be voted one of the judges shall sign his name on such blank line and no ballot not so signed by one of the judges shall be counted by the canvasing board whose duty it is to certify the results of the election. Should an elector desire to vote for each and every candidate of one party he shall make a cross-mark (X) in the circle under the device of

said party and the vote shall be counted for all candidates under said device: Provided, however, if a cross-mark (X) be made in the circle under the party device and a cross-mark (X) be also made after one or more candidates of a different party, or parties, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked, but the vote shall be counted for the other candidates of said party.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

By Senator Humphreys.

S. B. 95. An Act to amend and re-enact section 1482 of the Baldwin's 1931 Supplement to Carroll's Kentucky Statutes and being Section 4 of Chapter 49 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1930 session.

To Committee on Suffrage and Elections.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1482 of Baldwin's 1931 Supplement to Carroll's Kentucky Statutes, and which is Section 4 of Chapter 49 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1930 session be amended and re-enacted so that when so amended it will read as follows:

"Section 4. When the hour for closing the polls shall arrive, any voter or voters, then and there present or near the polls and desiring to vote, the officers of the election shall permit such voter or voters to vote, and shall for that purpose, extend the time, not exceeding thirty minutes. After all voters have voted, and the time to close has arrived, the officers shall announce the same at the door of the voting room and close

the polls. They shall then go and take charge of the ballot box, at the booth, and in the presence of each other shall place the lock on the small vent lid and securely lock it, and return the key to the county clerk. Said election officers shall then stamp upon all unused stubs and ballots, with rubber stamp or by writing on the stub and the ballot attached thereto, the word 'unused' and place said stub or ballot book and all other utensils or election material into a linen envelope, to be provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon said wax, so as to make the letters plainly visible in three different places on said envelope. The officers of election shall immediately deliver the ballot box and the envelope containing the unused ballots to the county clerk. The judge and the sheriff of election, of opposite faith, shall forthwith convey said ballot box and envelope to the county clerk's office, taking his receipt therefor. Said officers shall see that no person other than themselves has access to, or custody of, said ballot box, and they shall each remain in the presence of the other, until said box and envelope is delivered to the county clerk.

"And any violation by them of any duty imposed upon them by this section with reference to such conveyance shall render them guilty of a misdemeanor and upon conviction thereof they shall be punished by a fine of not less than $500.00, nor more than $1,000.00, or imprisonment in the county jail for not less than sixty nor more than one hundred days, or both so fined and imprisoned within the discretion of the jury trying the case. Said officers shall also upon delivery to the county court clerk of the ballot box and the poll books, certificates and the envelope containing the spoiled, mutilated and questioned ballots and the keys to the ballot box, together with the county election seal, each make an affidavit and file it with the county court clerk stating in substance that neither they nor anyone else took from the ballot box while in their custody any ballot or put into it any ballot, or in any manner whatever tampered with the contents of the ballot box and that it and its contents as well as all of the articles delivered by them to the county court clerk were and are in the same

identical condition as when taken charge of by them at the closing of the polls, and for any false statement made in such affidavit the one so making it shall be subject to indictment and prosecution for false swearing and punished accordingly.

"The ballot box shall remain locked, from the time it leaves the county clerk's office and is returned to said office, and until the county election commissioners shall unlock the same for the purpose of counting the ballots as herein provided.

"The county court clerk, upon receiving said ballot box and envelope from the election officers shall receipt for the same and shall place said ballot box and envelopes in a secure and substantial place and shall keep a sufficient guard over said boxes and envelopes in a careful and painstaking manner until all the ballots have been counted by the election commissioners and those acting with them. Provided, that the chairman of each of the two dominant political parties, shall have the right, and each candidate to be voted for, at any election, may designate one or more persons to assist the county clerk and other guards, to guard the safety of the ballots in said clerk's office. The county clerk shall assist the county election commission, and shall act as its clerk, in the counting and certifying of the ballots and the results of said election, for which he shall receive compensation to be allowed by the fiscal court.

"The county election commission, for the purpose of counting the ballots and issuing certificates and making reports, shall meet on the first week-day after any primary or general election at 10 o'clock on said day in the office of the county clerk, and proceed as speedily as practical, to count the ballots of every precinct in such county and at the finish of each and every precinct they shall announce the result at the door of the clerk's office and they shall fill out the blank in the back of the stub book provided for that purpose and each commissioner shall sign the same on a blank provided for that purpose.

"The election commission is authorized to employ at

county expense, such clerical help as said commission may deem necessary to make said count, and shall remain continuously in session, until each and every precinct has been counted and the result ascertained, Sundays and legal holidays excepted. There shall be provided by the county clerk a large sheet upon which to tabulate the vote of the whole county, district or municipality, so that each candidate can ascertain the number of votes in each precinct and the total number in the election unit, cast for him. If any ballots are found mutilated, defaced, marked or spoiled or otherwise questionable so that they are of doubtful integrity, the commission shall put all such ballots in a sealed envelope after writing on them and each of them, whether they have been counted, and for whom.

"In any general or primary election held in this State or any county, district or municipality, the same procedure shall prevail and the county election commissioner shall count and certify the result in the manner herein provided.

"The said election commission shall issue to successful candidates for office or nominations, their certificates of election or nominations in all county, magisterial districts or any subdivision of any county and shall certify the result of the election in their said county, the Secretary of State in all elections or nominations, to be made for State and district officers and nominations.

"In all general elections the governing authority of each political party, and to all primary elections, each group of candidates for an office, may designate to the county election commission, one representative each to meet with the county election commission, as herein provided, and it shall be the duty of said commission to permit said representative to assist in, and witness the count of the ballot in all the precincts of such county and each and all of said commissioners and said representatives, so designated, shall have equal and full opportunity to inspect and count said ballots, and it shall be unlawful for any county election commission or a majority

thereof, to refuse to permit said representative to exercise full and free action in witnessing the count of said ballots and any interference with, or refusal, on the part of said election commission, or either of them, to permit said representatives, either of a political party, or of a candidate, or group of candidates, to have a free and full opportunity to witness and observe the counting of said ballots, shall be guilty of a high misdemeanor, and upon conviction thereof shall be fined not less than one thousand dollars nor more than two thousand dollars or imprisoned in the county jail not less than six months nor more than twelve months in the discretion of the jury.

"The county election commission after fifteen days, provided no contest is filed in any race against any candidate, shall return the keys to said ballot boxes to the county clerk, but if any such contest, either of nominations or elections, has been filed, said commissioners shall hold said keys subject to the orders of the court trying such contest.

"This act, shall govern both the conducting, holding, counting of ballots, and certifying of returns, in general and primary elections.

"Nothing herein contained shall be construed to prevent the election commissioners in counties having cities of the first, second and third class from employing extra tabulators, who under their supervision and responsibility may expedite the counting of the ballots."

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

By Senator Royster.

S. B. 96. An Act to extend the jurisdiction of notaries public into counties other than the county of their appointment.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A notary public appointed for any of the counties of the State, upon filing in the clerk's office in any other county of the State, his autograph signature and a certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as such notary public, and paying to said county clerk, where said signature and certificate are filed, a fee of one dollar, may exercise all the functions of his office, in the county in which such autograph signature and certificate are filed with the same effect in all respects as if the same were exercised in the county in which he resides and for which he was appointed. The county clerk of a county in whose office any notary public has so filed his autograph signature and such certificate shall, when so requested, subjoin to any certificate of proof or acknowledgment signed by such notary, a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his autograph signature in his office, and was at the time taking such proof or acknowledgment duly authorized to take the same; that he is well acquainted with the handwriting of such notary public and believes that the signature to such proof or acknowledgment is genuine, and thereupon the instrument so proved or acknowledged and certified shall be entitled to be read in evidence or to be recorded in any of the counties of this State in respect to which a certificate of a county clerk may be necessary for either purpose.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Rogers.

S. B. 97. An Act to provide for making and preserving plats of boundaries of cities and taxing districts.

To Committee on Municipalities.

Said bill reads as follows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That within two years after this act shall go into effect, each municipality (which term shall for the purpose of this act include all incorporated districts, commissions and bodies) now or hereafter existing in this Commonwealth and which has or now or hereafter existing in this Commonwealth, and which has or shall have power to levy taxes or assessments or create liens upon property within its boundaries, shall cause to be made a correct plat thereof as it then exists, on a scale of 1,000 feet to the inch, showing its boundaries and the various roads and streams which enter and leave its boundaries, the locations of its boundaries and corners, with the names and lines of the owners of all acreage tracts through which said boundary travels, and names of the streets and numbers of the lots along or through which it runs.

§ 2. Whenever any such municipality shall propose to increase or decrease its area, it shall in like manner cause to be made and temporarly lodged in the County Clerk's office a similar plat showing the portion so proposed to be added or cut off, and within six months after same becomes effective said plat shall be permanently lodged in the County Clerk's office for record.

§ 3. The County Clerk shall keep in his office a plat book or binder of size for thirteen sheets 18 inches by 25 inches and furnish at cost white eggshell platting sheets mounted on linen 18 inches by 25 inches or at least equal to Fred Proctor's Eggshell draughting paper, with linen hinges. Said plats shall be permanently inserted in the book and consecutively paged, numbered and indexed.

On said sheets shall be placed the correct official name by which said municipality was created and is then known, and

the correct reference to the act, ordinance or order by which said boundary was fixed with the book and pages and date, and shall be attested and acknowledged by the highest official of said municipality.

§ 4. This act shall take effect from and after its passage.

By Senator Rogers.

S. B. 98. An Act to amend and re-enact Chapter 129 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, entitled "An Act relating to fees of jailers, amending sub-section 1, of section 356-1, of Kentucky Statutes Carroll's 1922 Edition."

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sub-section 1 of Chapter 129 of the Acts of the General Assembly of the Commonwealth of Kentucky, relating to fees of jailers, be and the same is now amended by striking therefrom the words, "one dollar," and inserting in lieu thereof, the words "fifty cents," so that said Act, as amended, will read:

356-1. To jailers for imprisoning and releasing a prisoner charged with a felony or contempt sixty cents.

1. For keeping and dieting a prisoner under like charge per day fifty cents.

§ 2. Since the people of this Commonwealth, at this time, are overburdened with taxes, and the Commonwealth is without adequate revenue, with which to defray its current operating expenses, and in order that the provisions of this Act may become immediately operative, an emergency is hereby de-

clared to exist, and this act shall take effect from and after its passage and approval.

By Senator Rogers.

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of Three Hundred Dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration or charge than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of Three Hundred Dollars ($300) or less, providing for the administration of this Act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the Banking Commissioner under this Act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes (1930), and repealing all acts and parts of acts in conflict with the provisions of this Act.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following terms, as used in this Act, shall have the meaning stated, unless the context requires a different meaning:

(a) "Person" includes individuals, partnerships, associations, and corporations,

(b) "Licensee" means a person licensed under this Act.

(c) "Commissioner" means the "Banking Commissioner of the Commonwealth of Kentucky.

§ 2. No person shall, except as authorized in this Act and without first obtaining a license from the Banking Commissioner as hereinafter provided, engage in the Commonwealth of Kentucky in the business of making loans in the amount or of the value of three hundred dollars ($300) or less and charge, contract for, or receive, directly or indirectly, or by any device, subterfuge, or pretense whatsoever a greater rate of interest, discount, or consideration therefor than six per cent (6%) per annum.

§ 3. (a) Each application for a license under this Act shall be made in writing, under oath or affirmation, to the Commisioner in such form as he may prescribe. Such application shall contain (1) in the case of an individual, his name and the address of his residence and place of business; (2) in the case of a partnership or association, the name and address of every member thereof and the address of the place where such business is to be conducted; (3) in the case of a corporation, the names and addresses of the officers and directors thereof and the address of the place where such business is to be conducted; and (4) such additional information as the Commissioner may prescribe.

(b) Each applicant shall also prove, in form satisfactory to the Commissioner, that said applicant has a net worth of at least ten thousand dollars ($10,000) and has available for the purpose of making loans under this Act at the location specified in the application, liquid assets of at least ten thousand dollars ($10,000).

(c) Each applicant at the time of making such application shall pay to the Commissioner the sum of fifty dollars ($50) as a fee for investigating the application and the additional sum of two hundred and fifty dollars ($250) as an

annual license fee for the period terminating on the last day of the current calendar year; provided, that if the application is filed after June thirtieth in the year such payment shall be one hundred and twenty-five dollars ($125) as such license fee in addition to the said fee for investigation.

In addition to the said annual license fee every licensee hereunder shall pay to the Commissioner the fees for each examination of his business as provided in Section 10 (a) of this Act; and such applicant shall also file with his application a bond running to the Commonwealth of Kentucky in which the applicant shall be the obligor, in the sum of one thousand dollars ($1,000) with two or more sufficient sureties, whose liability as such sureties shall not exceed the said sum in the aggregate. Such bond shall be approved by the Commissioner and the conditioned upon the compliance by the applicant with all the provisions of this Act and all rules and regulations lawfully made pursuant thereto. Any person injured by the non-compliance with any such provision, rule, or regulation by any licensee under this Act may maintain a suit in his own name in any court of competent jurisdiction and recover on the bond such damages as shall be adjudged by such court, together with costs of such suit. Recovery upon any such bond shall not preclude recovery against such licensee for any liability in excess of the amount recovered upon bond, and such recovery shall not be held to extinguish any remedy under other law.

(d) The bond or bonds which the licensee is required to file hereunder shall be renewed and refiled annually at the time of making payment of the annual license fee. If the Commissioner shall find that any such bond has for any reason become insecure or exhausted, a like bond to be approved by the Commissioner in the sum of not more than one thousand dollars ($1,000) shall be filed by the licensee within ten days after written demand therefor by the Commissioner.

§ 4. (a) If the Commissioner approves the bond filed by the applicant and the form of the application, and finds after investigation (1) that the financial responsibility, ex-

perience, character, and general fitness of such applicant, and of the members thereof if the applicant is a partnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant the belief that the business of the applicant will be operated honestly, fairly, and efficiently in accordance with the purposes of this Act; (2) that permitting such applicant to engage in such business will promote the convenience and advantage of the community, and (3) that the applicant has a net worth of at least ten thousand dollars ($10,000) and has available for the purpose of making loans under this Act at the specified location liquid assets of at least ten thousand dollars ($10,000), the Commissioner shall issue to the applicant a license to make loans in accordance with the provisions of this Act at the location specified in said application. If the Commissioner does not so find, he shall not issue such license and he shall notify the applicant of the denial and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the fifty dollars ($50) investigation fee to cover the cost of investigating the application. The Commissioner shall approve or deny every application for license hereunder within sixty days from the filing thereof with the said fees and the said approved bond.

(b) Every license issued shall state the address of the office at which the business is to be conducted, the name of the licensee, and if the licensee is a partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Such license shall be kept conspicuously posted in the office of the licensee and shall not be transferable or assignable. Not more than one place of business shall be maintained under the same license but the Commissioner may issue more than one license to the same licensee upon compliance for each such license with all the provisions of this Act applicable to the original issuance of licenses. Whenever a licensee shall desire to change his place of business to another location within the same municipality the Commissioner, on application, if he finds that the interests of the community will be served thereby, shall indorse

on the license a transfer to the new place of business, with the date of transfer, which indorsement shall be authority for the operation of such business under such license at such new location. No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license.

(c) No licensee shall conduct the business authorized by this Act in any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except upon a written authorization from the Commissioner. No such authorization shall be granted unless the Commissioner finds that the soliciting of or engaging in such other business, in the same office, room, or place of business in which the business of making loans under this Act is conducted will not facilitate evasions of this Act. No licensee shall make any loan under this Act under any other name or at any other place of business than that stated in the license.

(d) Each license shall remain in full force and effect until it is surrendered by the licensee or suspended or revoked as hereinafter provided. Each licensee shall, on or before the twentieth day of each December, pay to the Commissioner the annual license fee for the next succeeding calendar year.

(e) The Commissioner shall, upon ten days' written notice to the licensee stating that he contemplates the revocation of his license and, in general, the grounds therefor revoke such license, after reasonable opportunity has been afforded to the licensee to be heard, if the Commissioner finds (1) that the licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under this Act, or (2) that the licensee has violated any provision of this Act or has failed to comply with any rule or regulation lawfully made pursuant thereto, or (3) that any fact or condition then exists which clearly would warrant the Commissioner in refusing to issue a license on an original application. The Commissioner may, without notice or hearing, suspend any license

for a period not exceeding thirty days, pending investigation. The Commissioner shall have authority to reinstate suspended licenses or to issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which clearly would have warranted the Commissioner in refusing originally to issue such license under this Act. Any licensee may surrender any license by delivering to the Commissioner written notice that he thereby surrenders such license.

(f) Whenever the Commissioner shall refuse or deny any application for a license under the provisions of this Act or shall revoke any license issued pursuant to this Act, he shall forthwith file in the office of the Banking Commissioner of Kentucky a written order to that effect and stating his findings with respect thereto and his reasons supporting the denial or refusal or the revocation and shall forthwith serve upon the applicant for license or licensee a copy thereof and said applicant for license or licensee shall be entitled to appeal from said order to the Circuit Court of Franklin County, provided said appeal is filed within thirty days after the service of a copy of said order, and to the Court of Appeals of Kentucky from any decision of said Franklin County Circuit Court.

§ 5. No licensee shall advertise, print, display, publish, distribute, or broadcast, or permit to be advertised, printed, displayed, published, distributed, or broadcast, any statement or representation which refers to the supervision by the Commonwealth of Kentucky of the business licensed hereunder. Nor shall any licensee or any other person knowingly in any such manner make or permit to be made any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of three hundred dollars ($300) or less, which is false, misleading, or deceptive.

§ 6. (a) (1) Every licensee hereunder may loan any sum of money not exceeding three hundred dollars ($300) in amount to individuals pressed by lack of funds to meet immediate necessities and may charge, contract for, and receive

thereon interest at a rate not exceeding three and one-half per centum (3½%) per month.

(2) No amount whatsoever shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. In addition to the interest herein provided for no further or other charge or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or other things or otherwise shall be directly or indirectly charged, contracted for, or received.

(3) No person who is a licensee under this Act shall permit any one borrower or any husband or wife individually or jointly to become indebted to him under more than one contract or loan transaction at the same time if the amount loaned to and receiveable by the debtor on any one of such contracts or transactions is in the amount or of the value of three hundred dollars ($300) or less and there is charged, contracted for, or received thereon, directly or indirectly, by any device, subterfuge, or pretense whatsoever, any interest, or consideration therefor greater than six per centum (6%) per annum.

(b) If any interest, consideration, or amount in excess of the interest authorized by this section is charged, contracted for, or received by any licensee under any contract of loan or loan transaction, such contract or transaction shall be void and the licensee shall have no right to collect or receive any principal, interest, or charges whatsoever.

(c) Every licensee shall:

(1) Deliver to the borrower at the time of making a loan under this Act a statement in English containing a copy of the provisions of subdivisions (a) and (b) of this section and showing in clear and distinct terms the amount and date of the loan and the date of its maturity, the nature of the security, if any, for the loan, the name and address of the bor-

rower and of the licensee, and the agreed rate of interest on such loan;

(2) Give to the borrower a plain and complete receipt for each payment made on account of any such loan at the time such payment is made, specifying the amount applied to interest and the amount, if any, applied to principal, and stating the amount of the unpaid principal balance of the loan;

(3) Upon the repayment of the loan in full, mark indelibly with the word "Paid" or "Cancelled" every obligation and security signed by the borrower and release any mortgage, restore any pledge, and cancel and return every note and assignment given to the licensee by the borrower.

(d) The borrower may pay all or any part of any loan at any time before the date of maturity thereof, but any such payment may first be applied by the licensee to all interest unpaid up to the date of such payment.

(e) No licensee shall take any confession of judgment or any power of attorney. Nor shall any licensee take any note, promise to pay, or security that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of interest; nor take any instrument in which blanks are left which are to be filled in after the execution of such instrument. No instrument taken under authority of this Act shall be negotiable.

(f) Every licensee shall have at all times a net worth of at least ten thousand dollars ($10,000) and shall maintain at all times assets of at least ten thousand dollars ($10,000) either in liquid form available for or actually used in the making of loans under this Act at the location specified in the license.

(g) No licensee shall take any lien upon real estate as security for any loan under this Act, except such lien as may be obtained by virtue of a judgment or decree.

§ 7. (a) No person, except as authorized by this Act, shall, directly or indirectly, by any device, subterfuge, or pretense whatsoever charge, contract for, or receive, or participate, as agent, broker, or in any other capacity, in charging, contracting for, or receiving, any interest, discount, or consideration greater than six per centum (6%) per annum upon any loan in the amount or of the value of three hundred dollars ($300) or less, and no loan made in violation of the provisions of this Act shall be valid or enforceable within this Commonwealth.

(b) Any loan in the amount or of the value of three hundred dollars ($300) or less for which there has been charged, contracted for, or received a greater rate of interest, or consideration than licensees are permitted to charge, contract for, or receive under this Act is hereby declared to be against the public policy of the Commonwealth. No such loan made outside the Commonwealth shall be enforced in the Commonwealth and every person in anywise participating therein the Commonwealth shall be subject to the provisions of this Act; except that the provisions of this subdivision shall not apply to loans legally made in any State in which there was in force at the time of making such loan a small loan law the regulatory provisions of which are similar in principle to those contained in this Act.

§ 8. No licensee shall, directly or indirectly, charge, contract for, or receive any interest, or consideration greater than six per centum (6%) per annum upon any loan in the amount or of the value of more than three hundred dollars ($300), or in any case in which the licensee permits any individual as borrower or as indorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently, or both, to the licensee at any time the sum of more than three hundred dollars ($300) for principal.

§ 9. The payment of three hundred dollars ($300) or less in money, credit, goods, or things in action, as consideration for any sale, assignment, or order for the payment of wages, salary, commissions, or other compensation for services,

whether earned or to be earned, shall for the purposes of this Act be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this Act.

§ 10. (a) The provisions of this Act shall be enforced by the Commissioner, who is authorized to make such rules and regulations, in addition hereto and not inconsistent herewith, as may be necessary for the proper conduct of the business licensed hereunder and for the enforcement of this Act. The Commissioner shall make an annual examination of the affairs, business, office, and records of every licensee, and such further examinations or investigations as he shall deem necessary for the purpose of discovering violation of this Act or of securing information necessary for its proper enforcement. For every examination made under this Act the Commissioner shall charge the same fees as are allowed by statute for the examination of banks. For the purpose of making such examinations or investigations the Commissioner and his duly designated representatives shall have authority to require the attendance of and to examine under oath all persons whomsoever, whose testimony he may require, relative to the loans or business of any such licensee, and shall have free access to the accounts, papers, records, files, safes, vaults, offices, and places of business used in connection with any business conducted under any license issued in accordance with this Act.

(b) All moneys collected by the Commissioner under the provisions of this Act for license fees and examinations or otherwise shall be paid as collected into the State Treasury and then credited to an account of the Banking Department.

(c) Each licensee shall annually on or before the fifteenth day of March file with the Commissioner a report giving such information as the Commissioner may require relevant to the

business and operations during the preceding calendar year of each licensed place of business conducted by such licensee in the Commonwealth. Such report shall be made under oath and in the form prescribed by the Commissioner. The Commissioner shall make and publish annually an analysis and recapitulation of such reports.

(d) Each licensee shall keep and use in his business and shall preserve for at least two years after making the final entry on any loan recorded therein, such books, accounts, records, or card systems as will enable the Commissioner to determine whether such licensee is complying with the provisions of this Act and with the rules and regulations made pursuant thereto.

§ 11. Any individual or any member, officer, director, agent or employee of any association, partnership, or corporation, who shall violate or participate in the violation of any of the provisions of section 2, 4 (c), 5, 6 (a), 6 (c), 6 (d), 6 (e), 6 (g), 7, 10 (c), or 10 (d) of this Act, shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars ($300) or by imprisonment for not more than six months, or both.

Any contract of loan not invalid for any other reason, in making or collection of which any act shall have been done which constitutes a misdemeanor under this section, shall be void and the lender shall have no right to collect or receive any principal, interest or charges whatsoever.

§ 12. This Act shall not apply to any person, partnership, association, or corporation doing business under and as permitted by any law of this Commonwealth or of the United States relating to banks, savings banks, trust companies, trust banking and title insurance companies, building and loan associations, co-operative market associations, credit unions, or licensed pawnbrokers.

§ 13. (a) So much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under

this Act is hereby repealed. This Act shall not be construed as repealing or amending section 2218 or section 2219, Carroll's Kentucky Statutes (1930) but said sections shall not apply to loans made under authority of this Act.

(b) All other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 14. No assignment of or order for payment of any salary, wages, commissions, or other compensation for services, earned or to be earned, when taken as security for any loan made under this Act, shall be valid unless the amount of such loan is paid to the borrower simultaneously with its execution. Under any assignment of or order for the payment of future salary, wages, commissions, or other compensation for services given as security for a loan made under this Act, there shall not at any time be collectible from the employer of the borrower more than a sum equal to 10% of the amount then owing to borrower for any such salary, wages, commissions or other compensation for services.

§ 15. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 16. This act shall take effect from and after its passage, approval, and publication.

By Senator Rogers.

S. B. 100. An Act to amend and re-enact Sub-section 5, of Section 4357 of the Kentucky Statutes, Carroll's 1930 Edition, relating to the salaries of the Governor and Circuit Court Judges.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sub-section 5 of Section 4357 of the Kentucky Statutes, Carroll's 1930 edition, relating to the salaries of Circuit Court Judges, be amended, by striking therefrom the words and figures "Three Thousand Dollars ($3,000.00)" and inserting in lieu thereof the following words and figures, "Five Thousand Dollars ($5,000.00)"; so that when said sub-section is amended and re-enacted, the same shall read as follows:

Section 5. The Circuit Court Judges of the Commonwealth of Kentucky shall respectively receive an annual salary of Five Thousand Dollars ($5,000.00), to be paid monthly out of the treasury, the same to be in full of all services rendered by them as Circuit Court Judges in their respective districts; also as special judges and members of the judicial council.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Allie W. Young.

S. B. 101. An Act to further regulate motor-trucks, semi-trailer trucks, semi-trailers, and trailers, to enlarge the powers of the State Highway Commission, County Courts, and cities and incorporated towns in respect thereof, to provide for enforcement of the act and penalties for violations thereof, and repealing all laws inconsistent therewith.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions:

When used in this Act:

"Motor-truck" means any motor-propelled vehicle designed for carrying freight or merchandise and not operated or driven on fixed rails or tracks; but it shall not include self-propelled vehicles designed primarily for passenger transportation, but equipped with frames, racks or bodies having a load capacity not exceeding 1,000 pounds.

"Semi-trailer Truck" means any motor-propelled vehicle, not operated on fixed rails or tracks, designed to draw, and to support the front end of, a semi-trailer, which, together with the tractor, shall be considered to be one unit.

"Semi-Trailer" means a vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, and intended for the carrying of freight or merchandise and with a load capacity of over 1,000 pounds.

"Trailer" means any vehicle designed to be drawn by a motor-truck or truck-tractor, but supported wholly upon its own wheels, and intended for the carriage of freight or merchandise and with a load capacity of over 1,000 pounds.

"Person" shall include individuals, partnerships, associations, trusts and corporations, and the receivers, assignees or agents of any of them.

"Highway" shall include any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches thereto, within the limits of the Commonwealth of Kentucky.

"Commission" shall mean the State Highway Commission of Kentucky.

(Trailers)

§ 2. No person shall operate any trailer on any highway.

(Weight)

§ 3. No person shall operate on any highway any motor-truck or semi-trailer truck whose gross weight, including load, shall exceed 13,000 pounds.

(Height)

§ 4. No person shall operate on any highway any motor-truck or semi-trailer truck whose height, including any part of body or load, shall exceed 11½ feet, but nothing herein contained shall be construed to require the public authorities to provide sufficient vertical clearances to permit the operation of vehicles with a height of 11½ feet.

(Width)

§ 5. No person shall operate on any highway any motor-truck or semi-trailer truck whose width, including any part of body or load, shall exceed 96 inches.

(Length)

§ 6. No person shall operate on any highway any motor truck whose length, including any part of body or load, shall exceed 25 feet, nor any semi-trailer truck whose length, including any part of body or load, shall exceed 30 feet.

(Speed)

§ 7. No person shall operate any motor truck or semi-trailer truck on any highway outside cities or incorporated towns at a greater speed than 30 miles per hour, if its gross weight, including load, exceeds 5,000 pounds, or at a greater

speed than 40 miles per hour, if its gross weight, including load shall be 5,000 pounds or less, and inside the limits of cities and incorporated towns the maximum speed limits shall be 20 miles per hour and 25 miles per hour, respectively.

(Speed Governor)

§ 8. No person shall operate any motor truck or semi-trailer truck on any highway unless said motor truck or semi-trailer truck shall be equipped with a suitable mechanical device, in good order and working condition, which shall automatically prevent the operation of such motor truck or semi-trailer at a speed in excess of the maximum speed authorized for the class of motor trucks or semi-trailer trucks to which said motor truck or semi-trailer truck may belong, as provided in Section 7 hereof.

(Brakes on Semi-Trailers)

§ 9. No person shall operate any semi-trailer on any highway unless said semi-trailer shall be equipped with efficient brakes of such design and character that they may be operated and controlled by the operator of the truck or tractor to which said semi-trailer is attached.

(Stop Lights)

§ 10. No person shall operate any motor truck or semi-trailer truck on any highway unless it shall be equipped with a yellow or red light which shall automatically indicate the application of brakes and be visible from the rear a distance of not less than 200 feet.

(Clearance Lights)

§ 11. No person shall operate on any highway a motor truck or semi-trailer truck having a width of any part in excess of 84 inches, unless said motor truck or semi-trailer truck shall carry at least two clearance lights to indicate the outside left limit of said motor truck or semi-trailer truck, one

light, colored white or green, to be attached to and visible from the front of said truck or semi-trailer truck, and one light, colored red, to be attached to and visible from the rear thereof, in each case a distance of not less than 500 feet.

(Reduced Load and Speed Limits)

§ 12. Anything in this act to the contrary notwithstanding, the Commission, in respect of State highways or roads designated as part of the state system of primary roads, and county courts, or the judges thereof, in respect of county roads, may prescribe, by notice hereinafter provided, load and speed limits lower than the limits prescribed in Sections 3 and 7 hereof, respectively, whenever in its or their judgment any road or part thereof, or any bridge or culvert, shall, by reason of its design, deterioration, rain or other climatic or natural causes, be liable to be damaged or destroyed by motor trucks or semi-trailer trucks, if the gross weight or speed thereof shall exceed the limits prescribed in said notice; and said Commission, or county courts, or the judges thereof, may, by like notice, regulate or prohibit, in whole or in part, the operation of motor trucks or semi-trailer trucks on State highways, or county roads, or specified parts thereof, for limited periods or specified days, or parts of days, whenever, in its or their judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on said highways or roads, or part thereof, by reason of traffic density or intensive use thereof by the traveling public. Said notice, or the substance thereof, shall be posted at conspicuous places at the termini of and at all intermediate crossroads and road junctions with the section of road to which said notice shall apply. After any such notice shall have been so posted, the operation of any motor truck or semi-trailer truck contrary to its provisions shall constitute a violation of this act.

(Exemptions)

§ 13. (a) The provisions of this act shall not apply to motor trucks, semi-trailer trucks or trailers, owned by, or by

any agency of, the United States, the Commonwealth of Kentucky, or any county or city or incorporated town therein.

(b) If any motor truck, semi-trailer truck or trailer, shall be licensed by any city or incorporated town in this state, and the registration plate or plates issued as evidence of said license shall be conspicuously exhibited on said motor truck, semi-trailer truck or trailer in the manner required by ordinance, the provisions of Sections 2, 3, 4, 5, 6, 9, 10 and 11 hereof shall not apply to the operation of such motor truck, semi-trailer truck or trailer, within the limits of the city or incorporated town issuing such license, or within ten miles of the limits thereof, if it be a city of the first, second, third or fourth class, or within five miles of the limits thereof, if it be a town of the fifth or sixth class. Provided, that all cities and incorporated towns are hereby empowered to provide, by ordinance, maximum limits with respect to the weight, height, width and length of motor trucks, semi-trailer trucks and trailers within their respective boundaries, not less, however, than the maximum limits prescribed in Sections 3, 4, 5 and 6 hereof, to authorize the operation of trailers therein, to impose license taxes on motor trucks, truck tractors, semi-trailers and trailers, and to require that all vehicles to which licenses may be issued shall affix the registration plate or plates issued as evidence of said licenses to said vehicles in some conspicuous place, to be prescribed by ordinance.

(c) The Commission is hereby authorized to prescribe, by orders of general application, rules and regulations for the issuance by it of permits for the operation of motor trucks, semi-trailer trucks and trailers, whose gross weight including load, height, width or length may exceed the limits prescribed by Sections 3, 4 5 and 6 hereof. Said permits may be issued by said Commission for limited periods and for special purposes and to meet unusual conditions, and said Commission shall require, as a condition to the issuance of said permits, that the applicant pay a reasonable fee therefor, to be fixed by the Commission, and may require that the applicant give bond, with approved surety, to indemnify the State, and/or

the counties thereof, against damage to roads or bridges resulting from the use thereof by the applicant. The operation of motor trucks, semi-trailer trucks or trailers, in accordance with the terms of any such permit shall not constitute a violation of this act, provided the operator thereof shall have said permit in his possession. The operation of any motor truck, semi-trailer truck or trailer, in violation of the terms of any such permit, shall constitute a violation of this act.

(Penalties)

§ 14. The operation of any motor truck, semi-trailer truck or trailer, in violation of any section of this act, or of the terms of any special permit issued hereunder, shall constitute a misdemeanor, and shall subject the owner thereof, if such violation was with his knowledge or consent, and the operator thereof, to a fine of not less than $15.00, nor more than $200.00, and the costs of prosecution. Prosecutions under this act may be by summary arrest, warrant or summons, as provided in the Criminal Code, or by information as provided in Section 1141, Kentucky Statutes.

(Jurisdiction of Offenses)

§ 15. Quarterly courts and the judges thereof, justices of the peace and police or city judges, shall have concurrent jurisdiction with circuit courts in the trial of all offenses under this act, committed within their respective jurisdictions, and said courts shall always be open for the trial of such offenses.

§ 16. Any officer hereinafter in Sections 17 and 18 enumerated, who shall be in uniform or who shall exhibit his badge or other evidence of authority, having reason to believe that the height, length, width or weight of any motor truck, semi-trailer truck or trailer, is in excess of the maximum limits prescribed in this act or permitted by any special permit issued under the terms hereof, is authorized to measure or weigh the same, either by means of portable or stationary scales, and may require such vehicle to be driven to the nearest stationary

scales, in the event such scales are within a distance of five miles. Said officer shall require the operator of said motor truck, semi-trailer truck or trailer, to unload such portion of load as may be necessary to decrease the gross weight of such vehicle to the maximum gross weight permitted by this act or by the terms of any special permit in the possession of such operator and issued under the provisions of Section 13 hereof (which excess load, when unloaded, shall be at the sole risk of the owner) or, at the election of the operator, said officer shall permit said operator to move such vehicle, with its load, to the nearest incorporated town or the nearest court having jurisdiction, at which place said excess load shall be unloaded. The refusal of any such operator to permit his motor truck, semi-trailer truck or trailer to be measured or weighed, or to proceed to a stationary scales, or to unload the excess load, shall constitute violations of this act.

(Enforcement)

§ 17. Any peace officer, including sheriffs and their deputies, constables and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles, now existing or hereafter enacted, shall be authorized, and it is hereby made the duty of each of them to enforce the provisions of this Act and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense. When in pursuit of an offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elect not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than

$500.00, conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen hours after taking such bond.

§ 18. In addition to all other enforcement agencies, the Commission and the State Tax Commission are hereby authorized to issue commissions to their employees, or any of them, as highway patrols, and such employees, when so commissioned, shall have all the powers of peace officers in respect of the enforcement of this act and of all the laws relating to motor vehicles, and particularly the powers hereinabove in Section 17 granted to other officers.

(Scales)

§ 19. The Commission is authorized to designate, furnish instructions to, prescribe rules and regulations for the conduct of, and to supervise official stations for determining the weight of motor vehicles at such points as to it may seem necessary, but at not less than one point in each county, which stations shall comply with the requirements of the Commission, and shall be available for the use of all officers in the enforcement of this act. Said Commission is authorized to purchase portable scales suitable for weighing motor vehicles, and to place said scales in the charge of any officers authorized to enforce this law. The expenses of said weighing stations and the cost of purchasing and maintaining said scales shall be paid out of any funds made available for the use of the Commission.

(Rewards)

§ 20. Any of said officers, other than said special officers or employees of the Commission or State Tax Commission,

making an arrest of any person for any violation of this act shall upon final conviction of the defendant receive a fee of $5.00, to be taxed as costs and recovered of the defendant as other costs.

§ 21. All fines and bond forfeitures collected under the provisions of this act shall be credited to the Commission and disbursed by it for the enforcement of this act.

§ 22. It is hereby declared to be the public policy of this State that heavy motor trucks, alone or in combination with other vehicles, increase the cost of highway construction and maintenance, interfere with and limit the use of the highways for normal traffic thereon, and endanger the safety and lives of the traveling public, and that the regulations embodied in the foregoing act are necessary to achieve economy in highway costs, and to permit the highways to be used freely and safely by the traveling public. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional or void, the remaining provisions shall continue in full force and effect, it being the legislative intent that this act would have been adopted had such unconstitutional or void provisions not been included therein.

§ 23. All laws, or parts of laws, in conflict with the provisions of this act, to the extent of such conflict, are hereby repealed.

By Senator McCaw.

S. B. 102. An Act to repeal and abolish in its whole and entirety Chapter XXXIII, of the Acts of 1922, Kentucky Statutes:

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That this Act shall repeal and do away with Chapter

33, of the Acts of 1922, Kentucky Statutes, or commonly known as the "Rash-Gullion Act."

It is therefore enacted that this Act shall do away with the former Act in the whole and entirety of same and substitute in lieu thereof, nihil.

By Senator Lloyd.

S. B. 103. An Act to amend Sections 272, 273, 276 and 286 of the Civil Code of Practice, relating to injunctions, by adding to Section 272 a provision concerning industrial disputes; by adding to Section 273 a provision concerning industrial disputes; by adding to Section 276 a provision excepting injunctions in industrial disputes governed by Section 272; by adding to Section 286 the words "saving to the defendant the right to demand and have the fact of disobedience tried by jury."

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 272 of the Civil Code of Practice be amended by adding to the end of said section the following:

"Provided that no restraining order or injunction against either party to an industrial dispute shall be made but by a circuit court or a circuit or county judge and not otherwise than upon notice and after a hearing.

The term "Industrial Dispute" used above shall signify any controversy or grievance by or against or between any employer of labor and any body of workers concerning the terms or conditions of employment, the assumption, creation, suspension or termination of any relations between employer

and employee or concerning any act or thing done with reference to or involved in or growing out of a trade or labor dispute or in contemplation or furtherance of a trade or labor dispute, or concerning any effort to induce any workers to become members of a labor union or concerning any efforts of employees to induce any person to withhold his patronage from any employer of labor who does not employ members of a labor union or does not maintain standards of wages, working hours and other conditions of labor established in the industry by a labor union or unions or against whom such labor union or unions have any other grievance."

So that said section, when amended, shall read as follows:

"Section 272. Temporary Injunctions. If it appears from the petition that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of an act which would produce great or irreparable injury to the plaintiff; or if, during the litigation, that the defendant is doing, or threatens or is about to do, or is procuring or suffering to be done, an act, in violation of the plaintiff's rights, respecting the subject of the action and tending to render the judgment ineffectual, a temporary injunction may be granted to restrain such act. It may also be granted in any case in which it is specifically authorized by statute; and provided, that no restraining order or injunction against either party to an industrial dispute shall be made but by a circuit court or a circuit or county judge and not otherwise than upon notice and after hearing. The term industrial dispute used above shall signify any controversy or grievance by or against or between employer of labor and any body of workers concerning the terms or conditions of employment, the assumption, creation, suspension or termination of any relations between employer and employee or concerning any act or thing done with reference to or involved in or growing out of a trade or labor dispute or in contemplation or furtherance of a trade or labor dispute, or concerning any effort to induce any workers to become members of a labor union or concerning any efforts of employees to induce

any person to withhold his patronage from any employer of labor who does not employ members of a labor union or does not maintain standards of wages, working and other conditions of labor established in the industry by a labor union or unions, or against whom such union or unions have any other grievance."

§ 2. That Section 273, Civil Code of Practice, be amended by prefixing to said section the words, "Industrial disputes the injunction may be granted at any time before final judgment by the court or by any circuit judge or the county judge, if the circuit judge be absent from the county."

So that said section, when amended, will read as follows:

"Section 273. Who May Grant Injunctions. In industrial disputes the injuction may be granted at any time before final judgment, by the court or by any circuit judge or the county judge if the circuit judge be absent from the county; in all other cases the injuction may be granted at the commencement of the action or at any time before judgment by the court or by any circuit judge, or by the clerk of the court, or the county judge, if the judge of the court be absent from the county, or by two justices of the peace if the judge and the clerk of the court and the county judge be absent from the county. No injunction shall be granted by any of the foregoing officers, unless it appear from the affidavit of the party applying therefor that it has not been refused by the court; nor shall such injunction be granted by a clerk or county judge or justice, unless it appear from such affidavit that it has not been refused by the court or any circuit judge. No injunction or temporary restraining order shall be granted until after the petition seeking the injunction shall be filed. No injunction or temporary restraining order shall be granted by any circuit or other judge of similar jurisdiction, in any action pending outside of the circuit or county wherein said judge shall preside, unless it shall appear from the affidavit of the plaintiff that there is no circuit or other judge of similar jurisdiction present at the time in the judicial district, where the action is pending."

§ 3. That Section 276 of the Civil Code of Practice be amended by prefixing to said section the words: "Excepting injunctions in industrial disputes governed by Section 272 as amended." So that when said section is amended it shall read as follows:

"Section 276. Notice of Application for Injunction. Excepting injunctions in industrial disputes governed by Section 272 as amended, an injunction shall be granted only upon reasonable notice, in writing, to the party sought to be enjoined, of the time and place of the application therefor, and of the court or officer to whom the application is to be made. Where the court or officer to whom the application for an injunction is made shall be satisfied by the facts set forth in the affidavit of the applicant, or by other evidence, that irreparable injury will result to the applicant from the delay of giving notice, the court or officer may enter a temporary order restraining the act or acts sought to be enjoined, or may be mandatory in its nature, if the case so require, except that no mandatory restraining order shall be entered by any clerk, county judge or two justices in any case. Such restraining order shall, in no case, be granted until the applicant shall have given bond, as prescribed by Subsection 3 of 278 of the Civil Code, and a copy of the order shall be forthwith served upon the party or parties sought to be enjoined. The restraining order, if made by the court, or any circuit or other judge of similar jurisdiction, shall set forth a reasonable place and time, not to exceed ten days from the day upon which the order is made, at which the applicant shall move the court or judge to grant the injunction and the order shall remain in force until the motion is heard and determined, but not for a greater length of time than ten days after the day fixed in the order for hearing the application. Such motion for injunction shall be tried as provided in this Code for the trial of injunctions of which notice has been given in the first instance. The restraining order, if made by the clerk of the court, the county judge or two justices of the peace, shall remain in force until set aside or modified or until the injunction is granted, as provided in Section 290 of the Civil Code as amended by the Acts of 1894."

§ 4. That Section 286 of the Civil Code of Practice be amended by inserting after the first sentence in said section the words: "saving to the defendant the right to demand and have the fact of disobedience tried by jury." So that said section when amended shall read as follows:

"Section 286. Disobedience of Injunction, How Punished, Disobedience of an injunction may be punished by the court or by the judge thereof or any circuit judge in vacation as a contempt; saving to the defendant the right to demand and have the fact of disobedience tried by jury. Where the case has been appealed such disobedience may be punished by the Court of Appeals or by any judge thereof during vacation, recess or adjournment of said court. Upon production of evidence by affidavit of the breach of an injunction, the court or any judge thereof, during vacation, may proceed by rule and attachment against the party committing the breach, who may introduce like evidence in his behalf. Should the party be held to be in contempt, unless he purge the contempt, the judge in vacation may commit him to jail until the sitting of the court, or take bond with surety for his appearance to answer for the contempt at the next term of the court, and in the meantime obey the injunction.

§ 5. That all laws and parts of laws in conflict with this Act are hereby repealed.

By Senator VanHoose.

S. B. 104. An Act to establish a primary road project from the mouth of Emily Creek in Martin County thence up Emily Creek to the mouth of Copers Mine, thence up Copers Mine and across the hill to Lick Branch to the Pike County line on the waters of Big Creek.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary

system of State Highways of the Commonwealth of Kentucky a road beginning at the mouth of Emily Creek, thence running up Emily Creek to the mouth of Copers Mine, thence up Copers Mine and across the hill to the Lick Branch to the Pike County line on the waters of Big Creek.

By Senator VanHoose.

S. B. 105. An Act to establish a primary road project from the mouth of Wolf Creek in Martin County on the Garrett Highway to the Pike County line connecting with the Pikeville-Williamson Road.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a road beginning at the mouth of Wolf Creek in Martin County on the Garrett Highway and running up Wolf Creek to the mouth of Pigeon Roost Fork of Wolf Creek, thence up Pigeon Roost Fork to the mouth of Hobbs Fork, thence running up the right fork of Maynard Fork to the Davis Fork, thence to the Pike County line connecting with the Pikeville-Williamson Road.

By Senator Edge.

S. B. 106. An Act to amend Section 2117, Kentucky Statutes, Carroll's Edition, 1922, Act of May 16, 1893.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2117, Kentucky Statutes, Carroll's Edition,

1922, Acts of May 16, 1893, be amended by adding to the first division of said section the following:

7. To either party when the other has been confined in an insane or lunatic asylum for a period of five years next before the commencement of any action for divorce, so that said section when so amended will read as follows:

1. To both parties. Such impotency or malformation as prevents sexual intercourse.

2. Living apart without any cohabition for five consecutive years next before the application.

To the party not in fault. Also to the party not in fault for the following causes:

1. Abandonment by one party or the other for one year.

2. Living in adultery with another man or woman.

3. Condemnation for felony in or out of the State.

4. Concealment from the other party of any loathsome disease existing at the time of marriage, or contracting such afterward.

5. Force, duress or fraud in obtaining the marriage.

6. Uniting with any religious society whose creed and rules require a renunciation of the marriage covenant, or forbid husband and wife from cohabiting.

7. To either party when the other has been confined in an insane or lunatic asylum for a period of five years next before the commencement of an action for divorce.

To the wife. Also to the wife, when not in like fault, for the following causes:

1. Confirmed habit of drunkenness on the part of the

husband of not less than one year's duration, accompanied by a wasting of his estate, and without any suitable provision for the maintenance of his wife or children.

2. Habitually behaving toward her by the husband, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her or to destroy permanently her peace or happiness.

3. Such cruel beating or injury, or attempt at injury of the wife by the husband, as indicates an outrageous temper in him, or probable danger to her life, or great bodily injury from her remaining with him.

To the husband. Also to the husband for the following causes:

1. Where the wife is pregnant by another man without the husband's knowledge at the time of marriage.

2. When not in like fault, habitual drunkenness on the part of the wife, of not less than one year's duration.

3. Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery.

By Senator Stephenson.

S. B. 107. An Act relating to jailers and providing for the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the sheriff of the county, and providing for compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That pursuant to Section 105 of the Constitution of Kentucky the office of jailer is hereby consolidated with the office of sheriff of each county of the Commonwealth of Kentucky, and the sheriff in each county of the Commonwealth of Kentucky shall by virtue of his office as sheriff be jailer of the county and perform all the duties of the office of jailer as provided by law.

§ 2. If the sheriff should be legally committed to jail or from any cause the office of sheriff of any county shall become vacant the judge of the county court shall appoint a person possessing all of the qualifications of a sheriff, which appointee shall take the custody of the jail and of the prisoners therein, and perform all the duties of the sheriff as jailer until he is legally discharged from jail, or until a successor to the sheriff shall be elected or appointed and qualified.

§ 3. The fiscal court of each county of the Commonwealth of Kentucky shall fix the compensation of the sheriff for his services as jailer to be paid monthly out of the county funds, and shall provide for not more than one deputy and fix his compensation.

The compensation allowed the sheriff shall be in lieu of all fees for receiving and discharging prisoners and for attendance and waiting upon the courts as now required by law. All income from the jail for feeding and dieting Federal or State prisoners shall be income of the county and shall be paid to the county treasurer.

§ 4. The fiscal court of each county shall provide for

the dieting and feeding of all prisoners confined in the county jail. The fiscal court shall prescribe a diet for the prisoners confined in the county jail and after due advertisement shall receive bids for feeding the prisoners for one year at a time. The lowest and best bid shall be accepted and the person to whom the contract is awarded shall be required to execute bond with approved security for the faithful performance of the contract for the term of one year. It shall be the duty of the county judge and the sheriff to see that the contract for feeding the prisoners is faithfully carried out and executed in accordance with the terms thereof.

§ 5. This Act shall not be construed to interfere with jailers now in office and shall become effective on the first Monday in January, 1934.

§ 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 108. An Act relating to trustee of jury fund and providing for the abolishing of said office, and providing that the circuit court clerks of the various counties of the Commonwealth of Kentucky shall perform the duties required by law of the trustee of the jury fund, and repealing Section 2282, Carroll's Kentucky Statutes, 1930 Edition, and amending and re-enacting Section 1721, Carroll's Kentucky Statutes, 1930 Edition.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2282, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and the

office of trustee of the jury fund be and the same is hereby abolished.

§ 2. That the circuit court clerks in each county of the Commonwealth of Kentucky be and they shall be required to perform all the duties now performed by the trustee of the jury fund as required by law.

§ 3. That Section 1721, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended and re-enacted and as amended and re-enacted shall read as follows:

As additional compensation for services in Commonwealth cases and performing the duties required by law of trustees of the jury fund, which office by this Act is abolished, each circuit court clerk shall receive from the State treasurer ten per cent (10%) of the amount of all fines and forfeitures recovered in their respective courts and paid into the State treasury, but not until so paid in.

§ 4. This Act shall not become effective until the first day of January, 1934.

§ 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 109. An Act to amend and re-enact Chapter 48 of the Acts of the General Assembly of 1922, entitled, "An Act to amend and re-enact Section 110 of the Code of Practice in criminal cases relating to the presence of persons before the grand jury."

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 110 of the Criminal Code of Practice,

as amended by Chapter 48 of the Acts of the General Assembly of 1922, be and the same hereby is amended and re-enacted so that said section as amended and re-enacted shall read as follows:

That no person except the Commonwealth's and county attorneys and the witnesses under examination shall be present while the grand jury is examining a charge, and no person whatever while they are deliberating or voting on the charge.

§ 2. This Act shall take effect on the first Monday in January, 1934.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 110. An Act relating to witnesses for Commonwealth in felony cases, and amending and re-enacting Section 367, Carroll's Kentucky Statutes, 1930 Edition.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 367, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended and re-enacted and as amended and re-enacted shall read as follows:

Witnesses for the Commonwealth in felony cases shall be allowed one dollar per day for each day in attendance in the circuit court, after indictments have been found, and beginning with the day set for the trial of the case. Where witnesses reside in another county, in addition to per diem, they shall be allowed four cents (.04) per mile going and returning

by nearest travelled route, to be allowed by the court and certified to the auditor for payment; provided, said witnesses for the Commonwealth as provided for in this section have been summoned upon the written order of the county or Commonwealth's attorney filed with the clerk of the court.

Provided, however, that not more than ten witnesses shall be allowed the per diem of $1.00 per day in a single felony case; and if more than ten witnesses have been summoned and used by the Commonwealth, in that event those who may be allowed by the court must be designated by the Commonwealth's attorney or county attorney. No witness for the Commonwealth shall be allowed the per diem of $1.00 per day who was not used as a witness upon the trial of the case for the Commonwealth.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 111. An Act to amend and re-enact Sections 280 and 281 of Chapter 8 of the Criminal Code of Practice relating to bills and exceptions.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 280 of the Criminal Code of Practice be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

Upon the trial of criminal or penal prosecutions, either party may except to any decision of the court by which the substantial rights of such party are prejudiced.

§ 2. That Section 281 of the Criminal Code of Practice be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

The decision of the court upon challenges, and for cause, or upon motions to set aside the indictment, shall be subject to exception.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Franklin.

S. B. 112. An Act relating to grand juries and amending and re-enacting Sections 2249, and 2251, Carroll's Kentucky Statutes, 1930 Edition.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2249, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted and as amended and re-enacted shall read as follows:

A grand jury shall be summoned at three regular terms of circuit court, unless otherwise ordered by the judge, by an order entered of record. In such courts and branches thereof, having continuous session, as are authorized by Article 1 hereof to draw and impanel a grand jury, it shall be done on the first Monday of each month that such court is in session, unless otherwise ordered by the judge.

§ 2. That Section 2251, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted and as amended and re-enacted shall read as follows:

Grand jurors shall be paid for their services each three

dollars ($3.00) per day, and shall not remain in session longer than six days at any term; provided that the court may extend the time of the grand jury for not more than three days longer, if the court in its discretion deems it necessary to transact the business before the grand jury; and provided further the court may at its discretion call special sessions of the grand jury for not more than three days at a time. The court shall enter an order setting forth the reason for calling a special grand jury on the order book of the court.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Franklin.

S. B. 113. An Act relating to juries and amending and re-enacting Section 2243, Carroll's Kentucky Statutes, 1930 Edition.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2243, Carroll's Kentucky Statutes, 1930 Edition, be and same is hereby amended and re-enacted and as amended and re-enacted shall read as follows:

At each term of circuit court, of circuit courts having terms, within one year after the commencement of that at which said commissioners were appointed, the judge of the court shall, in open court, draw from said drum or wheel case a sufficient number of names to procure the names of twenty-four persons qualified as hereinafter prescribed, to act as grand jurors, and record the names of the twenty-four qualified upon paper, and certify and sign it, and shall also, after having locked and revolved or shaken said drum or wheel

case, reopen it and draw therefrom the names of not less than thirty nor more than thirty-six persons, in the discretion of the judge, to act as petit jurors, record their names on paper, certify and sign it.

In courts having continuous sessions the judge shall, in open court, on Monday next before the Monday upon which they shall be summoned to appear, draw from said drum or wheel case a sufficient number of names to procure twenty-four persons, qualified as hereinafter prescribed, to act as grand jurors, and record the names of the twenty-four qualified upon paper, and certify and sign it; and in such courts the judge shall, in open court, every two weeks, on Monday next before the Monday upon which they shall be summoned to appear, draw from the drum or wheel case the names of not less than thirty nor more than thirty-six persons to act as petit jurors, record their names on paper, certify and sign it. The names of all persons drawn as grand and petit jurors shall be publicly announced, when drawn, and entered of record in the order drawn. The judge shall place said lists in separate envelopes, of good paper, and seal and indorse them so as to show that the envelopes contained jury lists, and the month or term, and in courts having continuous sessions, the weeks and year said jurors are selected for and date of selection, and sign his name across the seal of each and deliver them to the clerk of his court at the same time administering to him and his deputies the oath above required of them; from the list of twenty-four names the next grand jury shall be drawn, and from the list of not less than thirty, twenty-four jurors shall be selected who shall constitute the regular panel of the next petit jury. He shall destroy the slips on which are written the names placed on the lists as soon as said names are recorded on said list, and if, in drawing the twenty-four grand jurors, the name of a person not having the qualification of a grand juror be drawn, it shall be forthwith returned to the drum or wheel case, and if at any drawing the name of a person temporarily disqualified is drawn, it shall be replaced in said wheel case or drum; but if the name of any person permanently disqualified is drawn,

the slip on which it is written shall be destroyed. Immediately after the judge has drawn said names from said drum or wheel case, he shall lock the same and deliver it and the aforesaid lists to the clerk as above directed. Sessions of a court having continuous sessions held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held, shall be deemed terms of court within the meaning of this section.

In circuit courts having continuous sessions and more than one judge, if the judge of any division be absent from the court, or cannot attend upon the day provided for the drawing of names for juries, any judge of any division of said court may attend and draw names for such juries in the manner above provided, and in circuit courts having continuous sessions, and only one judge, if such judge be absent from the court, or can not attend upon the day provided for the drawing of names for juries, he shall draw the names for the juries, as herein provided, upon the first day thereafter upon which he shall attend. Any special judge presiding at a term of court at which the regular judge is absent, or over any division of a circuit court having continuous sessions, may draw the names for said juries in the manner above provided.

The failure of the judge to draw the petit jury of twenty-four persons as provided for in this section shall be grounds for challenge of the whole panel or any juror thereon by any litigant in said court, and any litigant in said court shall have the right to except to the ruling of the court and said ruling of the court on said challenge for cause of the panel or any juror shall be subject to review by the Court of Appeals.

No more than twenty-four petit jurors shall be certified to the Auditor of Public Accounts for their per diem for jury service during any term of court.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Lloyd.

S. B. 114. An Act declaring every undertaking or promise, whether written or oral, obtained in any contract between any individual, firm, company, association or corporation and any employee or prospective employee of same which prevents any employee from becoming or remaining a member of any labor organization be declared to be contrary to public policy and void, and fixing penalty for violation of this Act.

To Committee on Labor and Manufacturing.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every undertaking or promise hereafter made, whether written or oral, expressed or implied, constituting or contained in any contract of hiring or employment between any individual, firm, company, association, or corporation, and any employee or prospective employee of the same, whether either party to said contract or agreement undertakes or promises not to join, become or remain, a member of any labor organization or of any organization of employers, or either party to such contract or agreement undertakes or promises that he will withdraw from the employment relation in the event that he joins, becomes or remains, a member of any labor organization or any organization of employers, is hereby declared to be contrary to public policy and is wholly void. Any individual, firm, company, association, or corporation which violates this Act is subject to penalty of not less than one hundred dollars nor more than five hundred dollars for each violation.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Johnson.

S. B. 115. An Act relating to intoxicating liquors and to repeal Section 2554a-17, Kentucky Statutes, 1930, Carroll's Edition, and being Section 17 of Chapter 33 of Acts of 1922.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2554a-17, Kentucky Statutes, 1930, Carroll's Edition, being Section 17 of Chapter 33 of Acts of 1922, session of the General Assembly, be and the same is hereby repealed.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Jacobs.

S. B. 116. An Act to amend and re-enact Sections 4645a-3 and 4645a-4, Carroll's Kentucky Statutes, 1930 Edition, relating to stenographic reporters in circuit courts not in continuous session and fixing and providing for the payment of fees of said stenographic reporters in circuit courts not in continuous session.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4645a-3, Carroll's Kentucky Statutes, 1930 Edition, be and the same is amended and re-enacted, and as amended and re-enacted shall read as follows:

Upon any trial or proceeding in any civil, criminal or equity case in said court, if either party to the suit or their attorney shall request the services of said reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct such reporter to make a full report of the testimony and proceedings heard therein, whereupon it shall be the duty of the reporter to take full shorthand notes of such testimony and proceedings and, upon the motion of either party to the suit or proceedings or their attorney, to cause to be made a full and accurate transcript of the same, together with all depositions read which shall be filed among the papers to be used in making up the bill of exceptions to the court of appeals, and at the same time shall cause a full and accurate carbon copy of the transcript of testimony to be made, which copy shall be filed with the papers and remain in the office of the clerk of the circuit court as a public record. For said carbon copy in all civil, criminal or equity cases, the reporter shall be allowed one-fifth (1/5) the amount he is allowed for the original, to be paid for in the same manner as the original.

§ 2. That Section 4645a-4, Carroll's Kentucky Statutes, 1930 Edition, be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

(a) The fees of said reporters appointed under the provisions of this Act, when serving in criminal cases, shall be six ($6.00) dollars per day for taking shorthand notes, provided, however, if said reporter is engaged in taking shorthand notes for less than a day or is engaged in taking shorthand notes in more than one case in any one day then he shall be allowed the sum of one ($1.00) dollar per hour for the time actually engaged in said case or cases in any one day. The said reporter shall be allowed the sum of ten (10) cents per hundred words for the original transcript thereof, which fees shall be paid, upon the order of the presiding judge of said court, by the county in which said criminal court is situated if the same is ordered by the court for the use of the Commonwealth's attorney; if the transcript of the notes of

said reporter in any criminal case is ordered by the presiding judge upon the motion of the defendant or his counsel, the defendant shall be required to pay for the same if, in the opinion of the court, he is able to do so. If it shall appear that the defendant is not able to pay for such transcript, the court shall direct the same to be paid by the county, as heretofore provided.

(b) The fees of said reporters when serving in civil cases in said courts, shall be six ($6.00) dollars per day for taking shorthand notes, provided, however, if said reporter is engaged in taking shorthand notes for less than a day, or is engaged in taking shorthand notes in more than one case in any one day then he shall be allowed the sum of one ($1.00) dollar per hour for the time actually engaged in said case or cases in any one day. The said reporter shall be allowed the sum of ten (10) cents per hundred words for the original transcript thereof, which shall be paid forthwith by the party or parties in whose behalf such report or transcript is ordered and shall be taxed as part of the cost of the suit or proceeding; provided, however, that said reporter shall not be required to file any of said transcripts without payment thereof by the party or parties in whose behalf the same is ordered.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator McCaw.

S. B. 117. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed; defining same, providing for inspection thereof and fixing penalties for violation of this Act; naming the enforcing agent, prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this Act; to appropriate money and provide means for carrying out its provisions; and to repeal all laws or parts of laws in conflict with this Act.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term "Agricultural seeds," or seeds of Canada bluegrass, Kentucky bluegrass, brome grass, fescues, millets, tall meadow oat grass, orchard grass, crested dogstail, redtop, Italian ryegrass, perennial ryegrass, kafir, sorghum, Sudan grass, timothy, alfalfa, alsike clover, crimson clover, red clover, sweet clover, white clover, Canada field peas, cowpeas, soybeans, vetches, lespedeza sp., buckwheat, flax, hemp, tobacco, rape, barley, corn of all kinds, oats, rye, wheat, lettuce, peas, tomatoes, beans, onions, cabbage, carrots, melons and other truck crop seeds, grasses, cereals and legumes which are sold, offered or exposed for sale within this State for seeding purposes within this State.

LABEL REQUIREMENTS OR AGRICULTURAL SEEDS

§ 2. Every lot of agricultural seeds, as defined in section one of this Act except as herein otherwise provided, when in bulk, packages or other container, shall have affixed thereto, in a conspicuous place on the exterior of the container of such agricultural seeds, a plainly written or printed tag or label in English language, in a manner prescribed by the Director of the Kentucky Agricultural Experiment Station or his agent, stating:

(a) Commonly accepted names of such agricultural seeds.

(b) The approximate percentage by weight of purity; meaning, the freedom of such agricultural seeds from insert matter and from other seeds distinguishable by their appearance.

(c) The approximate total percentage by weight of

weed seeds; the term "weed seeds," as herein used, being defined as the noxious weed seeds listed in Section 2, subsection (d) and all seeds not listed in Section 1 as agricultural seeds.

(d) The name and maximum number per pound of each kind of the seeds or bulblets of the noxious weeds provided for in Section 2, subsection (d) of this Act which are present per pound of agricultural seeds.

Noxious weed seeds or bulblets are defined as the seeds or bulblets of quack-grass (Agropyron repens), dodder (Cuscuta sp.), dock (Rumex sp.), Plantain (Plantago sp), corn cockle (Agrostemma githago), broom-rape (Orobanche ramosa), wild onion (Allium vineale), Canada thistle (Cirsium arvense), Ox-eye daisy (Chrysanthemum leucanthemum) and such such other weeds as the Director of the Kentucky Agricultural Experiment Station or his agent may from time to time determine to be noxious and a menace to the best interests of the agriculture of Kentucky; provided, however, that due notice shall be given to the seed trade before any addition to the noxious weed seed list shall become effective.

(e) The minimum percentage of germination of such agricultural pure seeds designated together with the month and year said seeds were tested.

(f) Full name and address of the vendor of such agricultural seed.

(g) Name of State where such seed was grown, and if this is unknown, a statement to that effect.

LABEL REQUIREMENTS OF MIXTURES OF AGRICULTURAL SEEDS

§ 3. Mixtures of agricultural seeds which contain two or more kinds of such seeds each present in excess of five per cent by weight of the total mixture, when sold, offered or exposed for sale as mixtures, shall have affixed thereto, in a

conspicuous place on the exterior of the container of such mixtures of seeds, a plainly written or printed tag or label, in the English language stating:

(a) That such seed is a mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture if in excess of five (5) per cent by weight of the total mixture.

(c) Approximate percentage by weight of total weed seeds as defined in Section 2-c of this Act.

(d) The name and approximate number per pound of each kind of seeds or bulblets of the noxious weeds listed in Section 2, subsection (d) of this Act which are present.

(e) Approximate percentage of germination of each kind of agricultural seed present in such mixture if in excess of five (5) per cent by weight, together with the month and year said seed was tested.

(f) Full name and address of vendor of such mixture.

(g) Name of State where such seed was grown, and if this is unknown, a statement to that effect.

LABEL REQUIREMENTS OF SPECIAL MIXTURES

§ 4. Special mixtures of agricultural seeds except as specified in Section 3 of this Act, when sold, offered or exposed for sale as mixtures in bulk, packages or other containers of eight ounces or more shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly written or printed tag or label in the English language, stating:

(a) That such seed is a mixture.

(b) The name of each kind of agricultural seed which

is present in proportion of five per cent or more of the total mixture.

(c) The approximate total percentage by weight of weed seeds as defined in Section 2-c of this Act.

(d) Approximate percentage by weight of inert matter.

(e) The name and approximate number per pound of each kind of seeds or bulblets of noxious weeds listed in Section 2, subsection (d) of this Act, which are present.

(f) Full name and address of the vendor of such mixture.

CERTIFIED SEED

§ 5. Seeds bearing the certified tag of any Seed Growers' Association whose standards of purity and of germination are below those of the Kentucky Seed Improvement Association, shall not be sold or offered for sale in the State of Kentucky. Standards announced by the Secretary in the printed regulations governing the Kentucky Seed Improvement Association in June of each year shall be those prevailing for that month and the eleven succeeding months.

EXEMPTIONS

§ 6. Agricultural seeds or mixtures of same shall be exempt from the provisions of this Act:

(a) When possessed, exposed for sale or sold for food or feed purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

(c) When in store for the purpose of recleaning and not possessed, sold or offered for sale for seeding purposes within the State.

(d) When the seed is grown, sold and delivered by a producer on his own premises to the purchaser himself. If, however, the seed is advertised for sale by the public press, circular or catalogue, or if their seed is delivered by a common carrier the seller shall be deemed a vendor and said seed and seller shall be subject to all the provisions and requirements of this Act.

DUTIES AND AUTHORITY OF ENFORCING OFFICER

§ 7. The duty of enforcing this Act and carrying out its provisions and requirements shall be vested in the Director of the Kentucky Agricultural Experiment Station or his agents. The said Director or his agent upon notice to the seed trade of this State, shall be empowered to adopt such rules and regulations as may be deemed necessary in order to secure the efficient enforcement of this Act; provided that the said Kentucky Experiment Station shall maintain a laboratory with the necessary equipment and shall employ such analysts, inspectors and assistants as may be necessary for the proper enforcement and carrying out of the provisions of this Act, and with the approval of the Board of Trustees of the University of Kentucky, the Director of the Kentucky Agricultural Experiment Station shall fix the salaries of said analysts, inspectors and assistants. It shall be the duty of the Director of the Kentucky Agricultural Experiment Station or his agent to publish, or cause to be published, the results of the examination, analysis and tests of any and all samples of agricultural seed or mixtures of such seed, drawn as provided for in Section 9, together with any other information he may deem advisable.

§ 8. The word "approximate" as used in this Act shall be defined in the rules and regulations provided for in this Act by the Director of the Kentucky Agricultural Experiment Station or his agent who shall be guided by the "Rules and Methods of Testing" adopted and approved by the Association of Official Seed Analysts of North America.

INSPECTION, SAMPLING AND TESTING

§ 9. It shall be the duty of the Director through his authorized agents, to inspect, examine and make analysis of and test any agricultural seeds sold, offered or exposed for sale within this State for seeding purposes within this State, at such time and place, and to such extent as he may determine. The Director, and his agents, shall have free access at all reasonable hours to any premises or structures, or any vehicle, truck or other carrier to make examination of any such agricultural seeds, whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in possession of any warehouse, vehicle, truck, elevator or steamship company and he is hereby given authority in person or by his agents, upon notice to the dealer, his agent or the representative of any warehouse, elevator, railway or steamship company, if present, to take for analysis a sample of such agricultural seeds. In case a sample upon test or analysis, is found to fall below the statement on the tag or label attached to the lot from which said sample was secured, or to violate any of the provisions of this Act, the vendor or consignee of said lot of seed shall be notified and a copy of said notice mailed to the person, firm or corporation whose tag or label was found affixed thereto.

VIOLATIONS DEFINED

§ 10. It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale within this State any agricultural seeds, or mixtures of agricultural seeds, as defined in this Act, for seeding purposes within this State without complying with the requirements of this Act, or falsely to mark, label, or misrepresent any agricultural seeds, or to interfere in any way with the inspectors or assistants in the discharge of the duties herein named.

VIOLATIONS AND PROSECUTIONS

§ 11. Every violation of the provisions of this Act shall be deemed a misdemeanor punishable by a fine of not less than $25.00 and not more than $500.00 and if the Director of

the Kentucky Agricultural Experiment Station or his agent shall find upon examination, analysis or test, that any person, firm or corporation has violated any of the provisions of this Act, he or his authorized agent or agents may institute proceeding in a court of competent jurisdiction to have such person, firm or corporation convicted therefor, or the Director or his agent at his discretion may report the results of such examination to the Attorney General of Kentucky together with the sworn statement of the analyst, duly acknowledged, and such other evidence of said violation as he shall deem necessary. Provided, however, that no prosecutions under this Act shall be instituted except in the manner following: When the Director of the Kentucky Agricultural Experiment Station or his agent finds that the Act has been violated, he shall give notice to the person or firm in whose hands the seed was found, designating a time and place for a hearing. This hearing shall be private and the person or firm involved shall have the right to introduce evidence either in person, or by agent, or attorney. If, after said hearing, or without such hearing, in case said person fails or refuses to appear, the said Director or his agent decides that the evidence warrants prosecution, he shall proceed as herein provided.

It shall be the duty of the Attorney General of Kentucky or at his discretion he may act through the Attorney of the Commonwealth of the county or district or city in which said violation has occurred, to institute proceedings at once in any court of competent jurisdiction against the person, or persons, firms or corporations charged with such violation.

In any prosecutions arising from this Act the analysis or test by the Kentucky Agricultural Experiment Station shall be final evidence of the true nature or condition of such seeds.

PROVISION FOR FREE TESTS

§ 12. Any citizen of this State shall have the privilege of submitting to the Kentucky Agricultural Experiment Station samples of agricultural seeds for test and analysis, subject to such rules and regulations as may be adopted by said

Director of the Kentucky Agricultural Experiment Station. The Director may by such regulation fix the maximum number of samples that may be tested free of charge for any one citizen in any one period of time and fix charges for tests of samples submitted in excess of those tested free of charge. In case of nonresidents of Kentucky for the test of purity a fee of one dollar shall be paid in advance and for a test of viability a further fee of two dollars shall be paid in advance to the Director of the Kentucky Agricultural Experiment Station. All moneys received from such fees shall be paid over to the treasurer of the Board of Control of said Station to be used in defraying the expenses of seed analysis.

§ 13. Be it further enacted that there is hereby appropriated annually to the Kentucky Agricultural Experiment Station for the purpose of enforcing and carrying out the provisions of this Act the sum of $10,000, out of funds of the State not otherwise appropriated. Such salaries and expenses as may be necessary for the proper enforcement of the provisions of this Act shall be paid from said sum herein appropriated, by warrant upon the Auditor of Public Accounts, drawn by the Business Agent of the University of Kentucky and countersigned by the President and said Business Agent shall keep proper vouchers on file in his office for all expenditures.

§ 14. An act entitled *An Act to regulate the sale of Agricultural and other seeds,* enacted by the General Assembly at its regular session of 1916, and any other laws or parts of laws in conflict with this Act, are hereby repealed.

§ 15. This Act shall be effective on and after July 1, 1932.

By Senator McCaw.

S. B. 118. An Act appropriating Four Hundred and Seventy-five ($475.00) Dollars to M. Livingston & Co., on account of overpaid License Taxes.

To Committee on Appropriations.

Said bill reads as follows:

Whereas, M. Livingston & Co., a domestic corporation of Kentucky, paid to the State of Kentucky, through the Tax Commission for the years commencing 1918 up to and including the year 1926, special license taxes to the amount of Four Hundred and Seventy-five ($475.00) Dollars in excess of the amounts due as follows:

For the year 1918	$25.00
For the year 1919	25.00
For the year 1920	25.00
For the year 1921	37.50
For the year 1922	37.50
For the year 1923	37.50
For the year 1924	37.50
For the year 1925	125.00
For the year 1926	125.00

And, Whereas, there is now no provision of law by which said erroneous and excessive payments may be recovered either by an action allowed by the General Assembly or by a direct claim against the State on account of the fact that said claim would be barred by the limitation fixed in Section 166 of Kentucky Statutes.

And, Whereas, said taxes were never due to the State of Kentucky, but were collected and received by mistake, and there is no way by which the same may be restored to said taxpayer except by a direct appropriation of funds for such purpose. Now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there is hereby appropriated, for the use and benefit of M. Livingston & Co., out of the Treasury of the Commonwealth of Kentucky, the sum of Four Hundred

and Seventy-five ($475.00) Dollars, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the Treasurer of this State for said sum payable to M. Livingston & Co., and the Treasurer is authorized and directed to pay said warrant in the usual and customary way. Said appropriation and payment to be made on account of overpaid license taxes and fees to the State of Kentucky for the years 1918 to 1926, in, inclusive: and said appropriation is made for the reason there is no provision of law authorizing or allowing the refunding of overpaid taxes at this time.

By Senator McCaw.

S. B. 119. An Act relating to Notaries Public, providing for the repeal, amendment, and re-enactment of Section 3721-2 of Carroll's Kentucky Statutes, 1930 Edition, providing for appointment of Notaries Public, with jurisdiction state wide in Kentucky, also with jurisdiction in one county only.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3721, Sub-section 2 of Carroll's 1930 Edition of Kentucky Statutes, be amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

There shall be two classes of Notaries Public in this State, one of whom shall have jurisdiction only in the County in which such Notary resides at the time of his appointment, and the second class shall have jurisdiction anywhere within the State of Kentucky. The seal of the first class shall denote on its face the County in which said Notary is appointed, and the seal of the second class shall denote on its face that he has been appointed state wide.

The commission of the Governor on making the appoint-

ment must designate the limits within which the Notary is to act.

By Senator McCaw.

S. B. 120. An Act relating to fees, providing for the repeal, amendment, and re-enactment of Section 1748 of Carroll's Kentucky Statutes 1930 Edition, Article XIV Assistant Secretary of State.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Article XIV, Assistant Secretary of State, Section 1748 of Carroll's 1930 Edition of Kentucky Statutes, be amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

FEES TO BE CHARGED BY: REPORT AND PAYMENT TO TREASURER.

The Assistant Secretary of State shall charge and receive the following fees, to be paid by the applicant:

For issuing a commission and all necessary forms to a foreign Commissioner of Deeds for Kentucky $5.00
For commission to a Notary Public, with jurisdiction in one County only 2.00
For commission to a Notary Public, with jurisdiction state wide 10.00
For each remission or respite 2.00
For affixing seal to all attestations and certificates by the Secretary of State 2.00
For each warrant of arrest 2.00

No fee or compensation shall be allowed or paid for affixing State seal to a commission issued by the Governor to an officer in this State, required by law to be commissioned, or

to a grant or to a pardon of a felony, except as herein provided. After the first Monday in January one thousand eight hundred and ninety-six the Assistant Secretary of State shall not charge or receive for himself the fees allowed him in this article, but shall charge and receive said fees for the use and benefit of the Commonwealth, and he shall, every sixty days after the first Monday of January, one thousand eight hundred and ninety-six, report all fees collected by him to the auditor, and pay said fees into the Treasury. (1893, c. 226, p. 1131, No. 25.)

By Senator Hamilton.

S. B. 121. An Act to assist Ex-Service Men and Women of Kentucky and their dependents, not otherwise provided for, in preparing in proper form, presenting and prosecuting their claims before the proper Federal Agencies, to obtain from the Federal Government the relief authorized by the Acts of Congress, and continuing in existence for that purpose and for the purpose of completing claims now in the process of adjudication, the Ex-Service Men's Commission of Kentucky, and appropriating money therefor; providing for the maintenance of an office, stenographic and clerical help to carry on the work of the Commission.

To Committee on Veteran's Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Ex-Service Men's Commission of Kentucky, created by Act of the General Assembly of the Commonwealth of Kentucky, at regular session and approved March 22nd, 1930, be continued in existence for an additional period of two years, for the purpose of assisting ex-service men and women of Kentucky and their dependents in preparing in proper form, presenting and prosecuting before the various Federal authorities and agencies, such claims as they

may have title to under authority of Acts of the Federal Government, and to expedite action thereon.

§ 2. The Ex-Service Men's Commission of Kentucky shall during the time for which its existence is extended by section one of this Act be composed of three members, one of whom shall be the Adjutant General of the State of Kentucky, another who shall be the Commander of the Department of Kentucky, Veterans of Foreign Wars of the United States, and the other shall be the Commander of the Department of Kentucky Disabled American Veterans of the World War, who shall be in office at the time of the approval of this Act, and they shall each hold office during the life of the said Commission. The members of the Commission shall serve without salary or compensation, but shall be paid their actual expenses, including travel expenses while in the discharge of their official duty. In the event of a vacancy by reason of death, resignation or removal of place of residence from the State of Kentucky, said vacancy shall be filled by the remaining members of the Commission. Headquarters of the Commission shall be located in a city of the first class in the State of Kentucky and the office of the Secretary maintained therein.

§ 3. Following the approval of this Act it shall be the duty of the Chairman of the present existing Commission to call a meeting of the Commission to meet at such time and such place designed by him for the purpose of electing a chairman and vice-chairman and for taking such other action as might be deemed necessary in order to enable the Commission to properly function when this law goes into effect provided, however, that said meeting be held not less than fifteen days prior to the time said Act goes into effect.

§ 4. The words "ex-service men and women" as referred to in this Act including any man or woman who served in the United States Army, Navy, Marine Corps or Coast Guard Service, during the Civil War, the Indian Wars, China Expedition, Mexican Engagements, Phillipine Insurrection,

Pacification of Mindanao and Sulu, Nicaragua and Managua Engagements, Haiti campaign and other ex-service men and women, including those who rendered service to the Government at any time during War or peace time period who reside in the State of Kentucky and who are not otherwise provided for, and including the dependents of all such ex-service men and women.

§ 5. The Commission shall elect an executive secretary and shall employ such assistance, stenographic and clerical help as may be deemed necessary and reasonable for the proper performance of the work of the Commission. The executive secretary shall be paid a salary of three thousand dollars per annum, which shall be paid to him in equal monthly payments. It shall be the duty of the executive secretary with the assistance of the employees of the Commission to prepare in proper form, present and prosecute claims of all ex-service men and women of Kentucky and their dependents as herein provided. In the event that a veteran of the World War shall apply to this office for assistance the Commission may after verifying at the United States Veterans' Bureau that said applicant has not previously filed through some other agency a claim of the same nature, proceed to assist such ex-service man. The executive secretary shall hold office during the same period as provided for members of the Commission, provided, however, that he may be removed by majority vote of the members of the Commission for inefficiency or other just cause. The executive secretary shall have the right to cast the deciding vote on any matter of the Commission in case of a tie vote only. The other employees shall receive such compensation as may be decided upon by majority vote of the Commission and their services shall be dispensed with at discretion of the Commission for inefficiency or other just cause.

§ 6. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the State funds not otherwise appropriated to the Ex-Service Men's Commission of Kentucky the sum of $10,000.00 per year for two years. The Commission shall keep an accurate account of all

receipts and disbursements and its books and records shall be subject to examination and audit by the State Inspector and Examiner. Any part of the fund unused at the expiration of the period for which the Commission is created shall be turned back to the General State Fund.

§ 7. The Ex-Service Men's Commission of Kentucky shall have the power to expend from the appropriation as provided herein such sums as may be necessary to employ clerical, stenographic and other assistants for the executive secretary of the Commission.

§ 8. The Ex-Service Men's Commission of Kentucky shall cease to exist on July 1, 1934.

§ 9. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Pogue.

S. B. 122. An Act to add to the State Primary System a road from Dycusburg, Crittenden County, to Fredonia, Caldwell County, Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the State Primary Highway System a road from Dycusburg, Crittenden County, along the route of the present road as practicable, to Fredonia, Caldwell County, Kentucky. Said project to be designated as State Highway Project No.———.

By Senator Pogue.

S. B. 123. An Act to amend section 5 of Chapter 17 of

the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, relating to roads and bridges, by establishing and adding thereto a road from Joy, Livingston County, Kentucky on what is now State Project No. 124 to Carrsville, Livingston County, Kentucky, a distance of about three miles to the Ohio River, there connecting the State Highways of Kentucky with the State Highway System of the state of Illinois on Project No.— thence to Elizabethtown, Ill., the county seat of Hardin County, Illinois.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of the State Highways of Kentucky, a road leading from Joy, Livingston County, Kentucky, on State Project No. 124 and extending to Carrsville, Kentucky, a distance of about three miles to the State line between Kentucky and the State of Illinois, thence to Elizabethtown, county seat of Hardin County Illinois.

The construction, maintenance, supervision and control of said road shall be subject to, and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways, and said road shall receive and be entitled to all benefits allowed and provided for in said Chapter 17 of said Act of 1920.

By Senator Booles.

S. B. 124. An Act appropriating money to Geological Survey to meet emergency expenditures occasioned by the burning of the building in which the Geological Survey was housed, on February 23, 1929.

To Committee on Appropriations.

Said bill reads as follows:

Whereas: On February 23, 1929, the Executive building on the old Capitol grounds in which was then, and since has been, housed the Geological Survey, was partially destroyed by fire, resulting in great damage to the properties of the Geological Survey, particularly maps, books and records which necessarily have been required to be reproduced, which cost together with sums necessary to make the offices fit for occupancy and use before, during and since the repairs thereto, all to an amount of approximately thirty thousand dollars, no part of which was included in the insurance coverage, and;

Whereas: The sum mentioned above was paid from the appropriations to the Geological Survey, and were necessarily so paid, out of appropriations for the years 1929 and 1930, such payment has caused a deficit which has been thus far carried, much to the detriment of the necessary economic work of the Geological Survey, and;

Whereas: Recognizing the condition of the Commonwealth's finances, and the inexpediency of appropriating at this time of the total amount of said emergency deficit, but likewise recognizing the absolute necessity of carrying on the work of the Geological Survey, it is the sense of the General Assembly that there ought to be made available at once the sum of ten thousand dollars for the work of the Department;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is now appropriated for the use of the Geological Survey the sum of ten thousand dollars, this sum in part to replace emergency expenditures occasioned by the fire of 1929, and expended in making the offices habitable, and in replacing essential documents, papers, records, maps and surveys, same to be and become available upon the effec-

tive date of the enactment of this law, and to be paid in the same manner as other moneys are paid to said Department.

§ 2. Whereas, the expenditure of the moneys recited in the preamble hereof has crippled and impaired the proper conduct of the Survey, and it is important that the work be properly carried on, and can not be so carried on unless funds are available, an emergency is declared to exist, and this Act is to become effective upon action of the Governor.

Senator Allie W. Young proposed the following resolution:

The reconstruction corporation having loaned Insul and Company fifty million dollars ($50,000,000) and Banco-Italy three hundred million dollars ($300,000,000) at 3½% interest per annum:

Be it therefore resolved by the Senate that the Auditor of Public Accounts be requested to get in communication at once with said corporation and ascertain whether or not it will loan to the State of Kentucky sufficient money to redeem the outstanding warrants at 3½%, now drawing 5%, and make his report as early as possible to this body; that legislation may be passed authorizing the borrowing of said money.

Senator Young moved that said resolution be adopted.

Said resolution was adopted.

Senator Rose proposed the following resolution:

Whereas, all experienced persons know that in each State, legislative problems continually increase, both in number and in complexity.

Whereas, it is obvious that in order to solve such problems most effectively, each legislature must give systematic, scientific and business-like consideration to the actual *facts*

which have a bearing upon each question—to the extent that such facts have been determined by reliable research.

Whereas, each legislature must give similar consideration to the methods and experience of other jurisdictions in dealing with problems similar to its own.

Whereas, no such problems can be dealt with adequately until facilities are established to assist every inquiring legislator to secure the most accurate information and the most expert advice which are available.

Whereas, experience indicates the necessity for an interstate legislative reference bureau to serve as a clearing house of information between all of the legislative reference services which are now being conducted by numerous states, and also to serve as a clearing house of information between the legislatures and all other agencies which are engaged in the study and analysis of legislative problems, such as governmental departments, political science departments of universities, competent reputable associations, and all other sources of information.

Whereas, experience also indicates that in certain States which do not maintain substantial legislative reference services, there is an imperative need for such an interstate legislative reference bureau, which will assist the legislators of those States to secure whatever information they desire in analyzing the legislative problems which they must determine, and to make more readily accessible for them, without cost, the valuable material which is at all times available from the legislative reference libraries and bureaus of various other States, and from many other reliable sources.

Whereas, every individual legislator in the United States shares the responsibility for improving the present inadequate and unsatisfactory condition of the legislative processes, but neither any individual legislator, nor any group of legislators from one State, can bring about such improvement without the co-operation of legislators of other States.

Whereas, such an interstate legislative reference bureau cannot be maintained by any one State alone, without the co-operation of the legislatures of other States.

Whereas, in order to set the machinery in motion to secure the necessary co-operation of the forty-eight legislatures, members of each legislature are working together in the development of the project of the American Legislators' Association.

Whereas, the said American Legislators' Association has now established in the vicinity of the University of Chicago, the Interstate Legislative Reference Bureau, which by explicit pledge is without color of politics, partisanship, or propaganda, is conducted without profit, and is engaged upon three principal purposes:

First: to procure promptly for all inquiring State legislators, and their agents, whatever information or advice they desire in connection with any legislative problem, primarily by assisting them to secure, without cost, the benefit of all researches conducted by governmental departments, universities, associations, legislative reference bureaus, and other agencies throughout the United States.

Second: to conduct a systematic study of the legislative processes of each of the States, in order to ascertain the practices which contribute most to efficient and economical organizations and procedure; and to render all possible assistance to each legislature—and to each legislative reference bureau—which is endeavoring to improve its organization.

Third: to publish for the benefit of all State legislators the monthly magazine, State Government, as well as special Bulletins, and thus to disseminate information which will be helpful to all conscientious students of legislation.

Whereas, the American Legislators' Association is promoting acquaintance and mutual understanding among all in-

dividuals and organizations officially concerned with the impartial and scientific functioning of the legislatures of the various States, by the organization of Standing Committees and Advisory Boards, and otherwise.

Whereas, the character and project of the American Legislators' Association have the endorsement, and its organization has the active co-operation, not only of its membership, which consists entirely of members and ex-members of State legislatures, but also of numbers of other responsible citizens, many of whom, having specialized knowledge, are serving on the Association's Advisory Boards.

Now, therefore, it is hereby resolved: That the organization of the American Legislators' Association and of the Interstate Legislative Reference Bureau are hereby commended as legitimate and constructive efforts to assist the legislatures of the various States in the efficient performance of their work.

Senator Rose moved that the rules be suspended.

Said motion was agreed to.

The question being taken upon the adoption of said resolution was decided in the affirmative.

Said resolution was adopted.

Senator Pogue proposed the following resolution:

SENATE RESOLUTION NO. 4.

Whereas, it has long been the custom for State Legislatures to invite distinguished people to visit them and deliver an address before the joint session, and, whereas, the Hon. Franklin D. Roosevelt, Governor of the Empire State, has been endorsed by his people for his fidelity to their interest, as such official, and has taken his place in the front rank of American Statesmen and Patriots.

Therefore, be it resolved by the Senate, the House of Representatives concurring therein, that Governor Roosevelt, Ex-Governor Byrd of Virginia, Hon. Newton D. Baker of Cleveland and Ex-Governor Alfred E. Smith of New York be invited to pay a visit to our Capital, and deliver an address to the joint session, assembled for that purpose, during the present session of the General Assembly at such time as may be convenient to him.

Senator Pogue moved that the rules be suspended and said resolution be adopted.

Said motion was agreed to.

The question being taken upon the adoption of said resolution, it was decided in the affirmative.

Senator Moore proposed the following resolution:

SENATE RESOLUTION NO. 5.

Whereas, The William Howard Taft Memorial Highway Association has launched a movement to have designated and numbered a highway from Mackinaw City, Michigan to Ft. Meyers, Florida, as a memorial of the late William Howard Taft, and

Whereas, The said Memorial Highway has been designated through many of the large centers of population of the north leading from Cincinnati through Frankfort, Lawrenceburg, Harrodsburg, Danville, Liberty, Jamestown, and Albany, Kentucky, and

Whereas, A Federal program of highway improvements as an emergency aid to unemployment has been proposed, and

Whereas, The William Howard Taft Memorial Highway is an important north and south highway providing a shorter and more direct route through the central section of these United States and binding the northern and southern com-

munities closer together for commercial exchange and tourist travel, therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That we memorialize Congress through our Kentucky delegation to provide, as an emergency appropriation for the unemployed, sufficient funds without State aid, for the completion of unfinished links and for straightening, widening and surfacing of this Memorial Highway as a purely Federal Highway project.

Be it further resolved, That the State Highway Commission be requested to furnish to the William Howard Taft Highway Association, through its President, George A. Stauffer, of Ottawa, Ohio, an estimate of the probable cost of completing, straightening, widening and surfacing of said Memorial Highway as above designated through Kentucky, and that copies of this resolution be sent to the William Howard Taft Highway Association and the members of the Kentucky delegation in Congress by the Secretary of State.

Senator Moore moved that the rules be suspended and said resolution be adopted.

Said motion was agreed to.

The question being taken upon the adoption of said resolution it was decided in the affirmative.

Said resolution was adopted.

Senator Holloway proposed the following resolution:

SENATE RESOLUTION NO. 6.

Be it Resolved by the Senate of the Commonwealth of Kentucky in session assembled, the House of Representatives concurring herein, that:

Whereas, this Body has learned with grave concern and

deep regret of the intolerable conditions as to Law and order now prevalent in the City of Honolulu and adjacent environs; That, *Whereas,* the situation is the more deplorable, since it has drawn into its web of tangled trouble one of the Commonwealth's most worthy and meritorious sons in the person of Lieutenant Thomas Massie of the Navy from Winchester.

Now be it resolved, that in line with the traditional interest of this Commonwealth for the welfare of its worthy sons and daughters where ever they may be, that the stand and prompt action of the Navy Department at Washington in this matter—to the end that right may be upheld and justice done—be heartily commended.

Be it further resolved that the sympathy of the Assembly be extended to Lieutenant Massie, his widowed mother and family in this their hour of trouble. That this resolution be spread upon the minutes and a copy be mailed to the mother, Mrs. William Massie at Winchester, Kentucky, and the Secretary of the Navy at Washington, D. C.

Senator Holloway moved that the rules be suspended and that said resolution be adopted.

Said motion was agreed to.

The question being taken upon the adoption of said resolution, it was decided in the affirmative.

Said resolution was adopted.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed resolutions of the following titles:

HOUSE RESOLUTION NO. 3.

"Resolution providing a contingent fund for the Clerk of the House and the Clerk of the Senate."

Said resolution reads as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is hereby appropriated out of the General revenues of the State, as a contingent fund, the sum of five hundred dollars ($500.00) and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives of the Commonwealth, under the direction of said House, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of five hundred dollars ($500.00). Said respective funds shall be paid out on warrant of the Auditor, issued on requisition of the Chief Clerk of the Senate and of the House of Representatives.

HOUSE RESOLUTION NO. 5.

"Resolution requiring that the heads of all departments, boards, bureaus and commission of the Commonwealth is hereby requested to furnish to the General Assembly, names, addresses, employes and salary of said employes for the year 1931."

Said resolution reads as follows.

Whereas the expenses of government have greatly increased within recent years, and are now apparently tending to further increase; and

Whereas the income from taxation is now tending to decrease; and

Whereas this condition obviously demands immediate retrenchment in governmental costs, and an accurate finding of just what proper governmental costs may be,

Now therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the heads of all departments, boards, bureaus and commissions operated under the authority of the Commonwealth, be and each of them is hereby requested to furnish to this Assembly the following information within ten days from the approval of this resolution:

During the calendar year of 1931, and for each month of that calendar year, 1931, the following:

1. The full name, and address of each employee of said department.

2. The person by whom said employee was employed, and the authority for said employment, giving reference to the statute which authorized same.

3. The actual salary paid to each employee, for each month.

4. The actual duties performed by said employee.

5. The approximate number of hours of labor performed by each employee for each week of employment during said year.

6. The full copy of actual expense accounts allowed and paid to each employee, same to be itemized as authorized for payment and paid.

A copy of this resolution is to be delivered to the heads of all departments as soon as may be after its adoption.

HOUSE RESOLUTION NO. 10.

"Resolution memorializing Congress of the United States to appoint a Commission celebrating the siege of Bryan Sta-

tion and the Battle of Blue Lick, as the last battle of the Revolution."

Said resolution reads as follows:

Whereas, great preparations have been made by the Congress of the United States and the States of the Union to celebrate, throughout this year of 1932, the Two Hundredth Anniversary of the Birth of George Washington, the Father of Our Country, and

Whereas, the major events of the War for Independence, notably the siege of Yorktown and the Surrender of Cornwallis, have been re-enacted in a glorious and inspiring manner under the direction and by appropriation of the Congress of the United States, and

Whereas, the George Washington Bicentennial year is also the sesquicentennial anniversary of the Siege of Bryan Station and the Battle of Blue Licks, "The Last Battle of the Revolution," where every American officer in the action was killed, with the exception of the dauntless Colonel Daniel Boone; therefore,

Be it resolved by the Senate of Kentucky, the House of Representatives concurring:

That the Congress of the United States be memorialized to appropriate adequate funds and appoint a Commission for the celebration in August, 1932, of the Siege of Bryan Station and the Battle of Blue Licks on a scale commensurate with the importance of the occasion and as a fitting tribute to the patriotism and bravery of the Kentuckians who laid down their lives, in these two memorable conflicts, for the cause of Freedom and Independence;

Be it further resolved,

That the Chief Clerk of the Senate forward one copy each of this resolution to the President of the United States, to the

President of the Senate and the Speaker of the House of Representatives of the United States and to the Senators and Representatives from Kentucky in the United States Congress.

HOUSE RESOLUTION NO. 11.

"Resolution memorializing the President of the United States in the matter of lawlessness in the Hawaiian Islands."

Said resolution reads as follows:

Memorializing the President of the United States in the matter of lawlessness in the Hawaiian Islands.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

In September last the wife of Lieutenant Thomas Hedges Massie, an Officer in the United States Navy, a native and citizen of Winchester, Kentucky, stationed at Honolulu in Hawaii, was kidnapped, assaulted, beat, mangled, her jaw broken and raped six times by five Oriental native Hawaiians, resulting in pregnancy, confining her to a hospital, and making an operation for abortion imperative, and although she identified four of the five rapists, the jury which tried them, failed to convict, leaving this foul and horrible crime unpunished; prior to this crime six men, natives of Hawaii, were charged with the rape of a Chinese girl and one or more of them were convicted, and one of them, a prize-fighter, was pardoned of the offense, and shortly thereafter was in New York City taking part in a prize fight, and that same man is one of the five men charged with the rape of Mrs. Massie, and that following the assault and rape of Mrs. Massie by these five rapists, they were permitted to go at large in and about Honolulu, and that they continued at large until one of their number was recently killed, and thereupon the other four of said rapists voluntarily surrendered themselves to the jailer in Honolulu for their own personal safety and protection, and whereas, in connection with the killing of one of the five

rapists, Lieutenant Massie, Mrs. Granville Roland Fortescue, the mother of Mrs. Massie, and E. J. Lord and A. O. Jones, two enlisted men in the Navy, are held as prisoners in Honolulu,

Now, be it resolved by the General Assembly of the Commonwealth of Kentucky, that this Assembly memorialize, petition and request His Excellency, the Honorable Herbert Hoover, President of the United States, and Commander in Chief of the Army and Navy, to use the power vested in him as Chief Executive and as Commander in Chief of the Army and Navy, to demand that the rapists who so dastardly assaulted, beat and raped the wife of Lieutenant Massie, be brought to justice, and to insist that a full measure of the law be meted out to them, and we further memorialize, petition and request that the President as Chief Executive and Commander in Chief of the Army and Navy, use every arm of the Government to insure the immediate release of Lieutenant Massie, Mrs. Fortescue, E. J. Lord and A. O. Jones, and to insure this end, we petition and request, if such result cannot otherwise be secured, that the President declare a state of martial law in Honolulu, as has been done, at least, on one former occasion, and thereby exercise direct control from the seat of government at Washington, until such time as the territory of Hawaii can be made safe for women, and especially for the wives of our men in the Army and Navy, who are stationed in Honolulu, not of their own volition, but under orders of the War and Navy Departments, which they must obey.

That this Resolution be sent to the President of the United States forthwith by the Secretary of State under the Seal of the Commonwealth of Kentucky.

Senator Holloway moved that the rules be suspended and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of said resolution, it was decided in the affirmative.

Said resolution was adopted.

HOUSE RESOLUTION NO. 12.

"Resolution inviting Hon. Franklin D. Roosevelt, Governor of New York to address the General Assembly."

Said resolution reads as follows:

RESOLUTION NO. 12.

Whereas, it has long been the custom for State Legislatures to invite distinguished people to visit them and deliver an address before the joint session, and whereas, the Hon. Franklin D. Roosevelt, Governor of the Empire State, has been endorsed by his people for his fidelity to their interest, as such official, and has taken his place in the front rank of American Statesmen and Patriots.

Therefore, be it resolved by the Senate, the House of Representatives concurring therein, that Governor Roosevelt be invited to pay a visit to our Capital, and deliver an address to the joint session, assembled for that purpose, during the present session of the General Assembly at such time as may be convenient to him.

Under the rules, said resolution lies over.

Senator Ryans moved that when the Senate adjourns today, that it do adjourn to meet Wednesday at 10 o'clock.

Said motion was agreed to.

Senator Allie W. Young moved that the Senate recess for 15 minutes.

Said motion was agreed to.

At 1:30 the Senate reconvened.

The Special Committee to formulate rules for the 1932 session of the Senate reported the following rules to the Senate:

The undersigned committee appointed by the President under the authority of the Senate desires to submit the following as the rules to govern the 1932 session of the Kentucky Senate.

Section 1. The Senate shall meet at 10:00 a. m. except on Monday, when it shall meet at 1 p. m. A majority of members present at any time may order an extra session of the Senate or extend the time of any session.

Section 2. If the President of the Senate as provided in Section 87 of the Constitution, be called upon to administer the government or resign, die or be absent from the State, the President pro tem, of the Senate shall have all the rights and perform all the duties pertaining to the office of the President of the Senate. The President of the Senate may designate any Senator to preside in the absence of both the President and the President pro tem., until the Senate shall select one of its members to preside during such absence.

When the President and President pro tem., of the Senate shall both be absent from the Senate and no Senator has been designated as above provided, to preside over the Senate, the Chief Clerk shall call the Senate to order in the same manner as the President of the Senate is required under these rules, and the Senate shall then immediately choose one of its members to preside until the President or President pro tem shall return or be present in the Senate.

Section 3. If a quorum be not present at the time fixed for a meeting of the Senate, four Senators may adjourn or recess from day to day or from time to time in any day when a quorum is not present and eight Senators may order a call

of the Senate and send for absent Senators. No Senator shall absent himself from a session of the Senate without leave from the Senate.

All pairs announced in the Senate shall be entered on the Journal.

The names of the Senators shall be arranged alphabetically upon the roll call or when taking a yea and nay vote.

Any Senator, with a second, may demand a roll call on any matter pending before the Senate.

Section 4. Upon a call of the Senate the roll shall be called by the Clerk, and the absentees noted. The absentees shall then be called again. The doors of the Senate Chamber shall then be closed and the absentees for whom no sufficient excuse is made, by order of a majority of those present, be sent for and arrested wherever they may be found by the Sergeant-at-Arms or his assistants, and their attendance secured and retained; and the Senate shall determine upon what conditions they shall be discharged from arrest. Senators who voluntarily appear shall, unless the Senate otherwise direct, be immediately admitted to the floor of the Senate and they shall report their names to the Clerk to be entered upon the Journal as present.

Section 5. No person shall be permitted upon the floor of the Senate when in session except the Governor, his family, and his secretary, any former Governor and former Lieutenant Governor of Kentucky, the present members of the House of Representatives, and the Clerks thereof, the Judges and the Commissioners of the Court of Appeals, the Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Secretary of State, Attorney General, Superintendent of Public Instruction, Clerk of the Court of Appeals, and any member of the family of the Presiding Officer of the Senator or of any Senator, Private Secretary and Personal Page of the Presiding Officer of the Senate and such regular news-

paper correspondents as are accredited by the President of the Senate.

It shall be the duty of the Sergeant-at-Arms and the Doorkeeper of the Senate to exclude all persons not entitled to the floor of the Senate Chamber. If however other persons find their way to the floor it shall be the duty of the Sergeant-at-Arms to remove them. At least five minutes before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the Senate Chamber of all persons not entitled to the floor and he shall make announcement in a loud, distinct voice: "All persons not entitled to the floor of the Senate under the rules thereof will now vacate the Senate Chamber." He shall then compel each and every person then in the Senate Chamber who is not entitled to remain therein to leave the Senate Chamber.

Section 6. In the event any disorder in the gallery or in the Senate Chamber the Presiding Officer shall have power to have same repressed. He may require the Sergeant-at-Arms or other officers or employees of the Senate to clear the gallery or to remove from the gallery or the Senate Chamber any persons creating disturbance or disorder or who may not be entitled to the privileges of the floor of the Senate.

Section 7. All the employees of the Senate, except the assistants to the Clerk, shall each legislative day, half an hour before the meeting of the Senate for that day, report to the Sergeant-at-Arms of the Senate, who shall in turn report to the President of the Senate whether or not all of said employees are on duty, and the President of the Senate, whenever he deems it necessary, shall report to the Senate any dereliction of duty. The stenographers of the Senate shall perform their services for the Senators and the committees of the Senate and the Sergeant-at-Arms at such place and during such hours as may be fixed by the Rules committee. No employee of or person elected by the Senate shall receive any fee, tip or compensation from any Senator. Any violation of this rule shall be ground for dismissal of said employee.

DUTIES OF THE PRESIDENT

Section 8. The President of the Senate shall take the chair every day precisely at the hour fixed for the meeting of the Senate and on the appearance of a quorum, shall cause the Journal of the preceding day to be read, provided the reading of the same is not dispensed with by the Senate.

He shall preserve decorum and order, and while presiding may speak to points of order in preference to Senators. He shall decide points of order and manner of procedure; but any decision made by him shall be subject to appeal to the Senate. Every such appeal shall be in writing, and signed by at least two Senators.

During the pendency of an appeal to the Senate from a decision of the chair, the President of the Senate or the officer from whose decision the appeal is taken shall vacate the chair, and call the President pro tem to preside during the appeal. If the President pro tem is absent from the Senate, or is one of the Senators taking appeal, the presiding officer of the Senate may call any other Senator to preside. Upon an appeal from the ruling of the presiding officer no greater number of vote shall be required to overrule his decision than was necessary to carry the motion or question from which said appeal is taken but shall be as many.

It shall be the duty of the President of the Senate to refer all bills to the proper committees on the day on which they are introduced.

The President shall have supervision and control of all employees of the Senate, whether elected by the Senate or appointed by the President or otherwise and the President shall see that they perform all of their duties to the Senate and the members thereof.

Section 9. All writs, warrants, subpoenas or other process shall be signed by the officer who shall be presiding over

Senate when such paper is issued; and his signature to said paper shall be attested by the Clerk.

Section 10. Senators shall vote only when at their seats or when in the main part of the Chamber and not from places under the galleries. If the presiding officer be in doubt as to the result of a viva voce or a division be demanded, the Senate shall divide.

Those voting in the affirmative shall first rise and be counted. After the presiding officer has announced the number of those voting, those voting in the negative shall rise and be counted and the number so voting shall be announced by the presiding officer. He may appoint tellers to count those voting.

Section 11. If any Senator, in speech or otherwise, transgresses the rules of order or decorum or becomes offensive to the chair, or to any Senator, he shall immediately be called to order by the chair either with or without motion or suggestion from a Senator, and he shall immediately take his seat.

The objectionable words shall be reduced to writing by the Clerk, who shall then read them to the Senate. The presiding officer, after hearing a short explanation from the alleged offender or upon the withdrawal of the objectionable language, may permit the one offending to proceed or he may compel continued silence upon the one so offending until the matter under consideration is disposed of. The ruling of the chair, whatever it may be, shall be subject to an appeal to the Senate.

A Senator offending in this respect shall be liable to the censure of the Senate. No Senator shall designate another Senator by name. No smoking shall be allowed in the Senate Chamber except under the galleries.

Section 12. If two or more Senators arise from their respective seats and address the chair (nearly together) the

presiding officer shall determine who was first and recognize him, but no Senator may speak more than once to the same subject until all the Senators desiring to be heard have spoken. Nothing in this rule shall, however, do away with the "previous question" if then in effect. Neither shall it permit debate on an undebatable motion.

No member shall speak more than one hour in the aggregate on any question or measure.

Section 13. No Senator shall vote on any question in the result of which he is personally or privately interested.

Section 57. of the Constitution shall be enforced. It reads as follows:

"A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon upon pain of expulsion."

CLERK OF THE SENATE

Section 14. The Clerk shall make all reports to the House of Representatives, unless otherwise ordered.

Section 15. Each day half an hour before the time fixed for the meeting of the Senate, the Clerk or one of his assistants shall be present at the Clerk's desk with the minutes of the preceding session for the inspection of any member of the Senate.

Section 16. All question of order together with the disposition of same, shall be noted by the Clerk upon the Journal.

The Chief Clerk of the Senate shall on the last day of the session of the General Assembly, file with the Senate an itemized statement of the expenditures made by him.

ORDER OF BUSINESS

Section 17. The order of business shall be as follows:

Invocation

Roll call

Reading and approval of the Journal

Petitions and communications

Motions

Introduction of bills

Senate resolutions

Joint resolutions

Reports of standing committees

First reading of bills

Reports of special committees

Second reading of bills

Orders of the day.

Section 18. A petition, memorial, or other paper addressed to the Senate or the Legislature may be laid before the Senate by the President or Senator to whom the same was sent for presentation and a brief statement may be made by the one presenting the same.

Section 19. All communications from the Governor shall be referred to and reported upon by an appropriate committee, before they are acted upon by the Senate. Such nominations may be considered in executive session before they are acted upon by the Senate. When the Senate goes into executive session no one shall be present except the President, the Senators, the Sergeant-at-Arms, the Door-keeper and the Clerk of the Senate the latter three of whom shall be sworn to secrecy. A motion to go into executive session shall take precedence of any motion except a privileged motion.

Section 20. When the Senate shall advise and consent to a nomination made by the Governor, or reject the same, it shall be the duty of the Clerk to inform the Governor thereof unless otherwise ordered by the Senate.

Section 21. Unfinished business which was being considered upon the last adjournment shall have precedence in that class of business to which it properly belongs upon the next succeeding legislative day.

Section 22. In forming a committee of the whole the President of the Senate shall leave the chair and call the President pro tem to preside as Chairman. If the President pro tem is absent from the Senate the presiding officer of the Senate may call any other Senator.

Section 23. Upon a bill being committed to the committee of the whole the same shall be first read through by the Clerk (unless otherwise ordered by a majority) and then again read for amendments by clauses of sections, leaving the preamble, if any, to be last considered. After report the bills shall then again be read, if desired by a majority for amendment or debate.

Section 24. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper and so reported to the Senate, as the same shall have been agreed to, and the same shall be considered in the Senate in the order in which they were adopted in committee; and all amendments made in committee to an original motion shall be incorporated with the motion and so reported, and the above rule shall apply to all other subjects in committee of the whole as well as bills.

Section 25. Nothing shall be introduced or offered in committee of the whole except it relates to the matter under consideration.

BILLS

Section 26. Every joint or concurrent resolution in which the concurrence of the House of Representatives is necessary shall be read to the Senate and laid upon the table at least one full legislative day preceding that on which the same may be considered.

Section 27. Resolutions having the force and effect of laws shall be, in all respects, treated and considered as bills shall be treated under these rules.

Section 28. Bills originating in the Senate shall be introduced in open session and each shall be read by its title. The bill shall then be referred to a committee and be printed for the use of the members. If a bill be reported unfavorably, or without expression of opinion, a vote may then be taken whether it shall be read at length and be placed on the calendar. Provided, however, that shall not be done unless a two-thirds majority of the members elected to the Senate shall concur therein. When reported favorably by the committee the bill shall then be given its first reading at length and shall be placed by the Clerk upon the calendar to be kept by him, and so remain on the calendar till the next succeeding legislative day. Said bill shall then be entitled to its second reading.

The Clerk shall keep a calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any member and be considered if it had been regularly reported.

Provided, however, that no bill may be called from any committee without the concurrence of a two-thirds majority of members elected to the Senate.

Every bill shall be read at length on three different legislative days; but the second and third reading thereof at length may be dispensed with at the instance of a majority of all the

members elected to the Senate and the bill may then be read by its title. No bill shall become a law unless on its final passage it receives votes of at least two-fifths of the members elected to the Senate and a majority of the members voting taken by yeas and nays entered on the Journal; provided any act or resolution for the appropriation of money or the creation of a debt shall, on its final passage, receive the votes of a majority of all the members elected to the Senate, and provided further that any bill wherein it is declared that an emergency exists shall require the concurrence of a majority of the members elected to the Senate by an aye and nay vote entered upon the Journal.

Bills shall be printed and distributed in the order in which they are introduced, and the Committee on printing shall have charge and supervision of same.

Section 29. The Clerk of the Senate shall keep a record showing to what committee each bill or resolution has been referred, the date of such reference, together with the date of its return to the Senate. The records shall also show the date when the committee first received the bill and when the same was finally reported by the committee to the Senate.

The report or recommendation of the committee which considered the bill, together with a minority report, if one be made, shall also be entered upon said record under one of the following expressions:

"Favorably Reported."

"Favorably Reported, accompanied by a minority report."

"Unfavorably Reported."

"Unfavorably Reported, accompanied by a minority report."

"Without Expression of Opinion."

Upon the call of standing committees by the Clerk the Chairman or ranking member thereof shall disclose the disposition of the matter or matters submitted to their respective committees in the following manner:

"Mr. President, the Committee on ..... (naming the committee) to which was submitted (Senate or House bill or resolution, naming the same and giving the number thereof), reports as follows:

"Favorably Reported."

"Favorably Reported, accompanied by a minority report."

"Unfavorably Reported, accompanied by a minority report."

"Without expression of opinion."

A minority report must be signed by those members who have dissented from the committee's report and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. However, it shall require a majority of the members elected to adopt same; but it shall always be required that the committee's report be read before the minority report is read.

Section 30. The Senate Journal shall also note the dates upon which all bills and resolutions were sent to their respective committees as well as the dates upon which same were returned to the Senate.

Section 31. The Clerk of the Senate shall keep a calendar for each Legislative day of the session showing the bills entitled to a second reading upon that day distinguishing between House bills and Senate bills.

Section 32. When a Senate bill has been amended in the

House and the Senate has concurred in the House amendment, the bill as amended shall immediately be put upon its passage.

When a bill has been referred to the Committee on Conference and a report has been made thereon in the same manner as reports are made for Senate bills, the Conference report shall be voted upon; and, if adopted, the bill shall immediately be put upon its final passage.

EVERY BILL SHALL BE PUT UPON ITS FINAL PASSAGE IMMEDIATELY AFTER ITS THIRD READING UNLESS OTHERWISE ORDERED BY THE SENATE.

Section 33. Every Senate bill and joint resolution together with the amendments thereof passed by the Senate and being the subject of no further amendment or motion shall be engrossed in a plain round legible hand with pen and ink by the Enrolling Clerk of the Senate and delivered to the House of Representatives in open session by the Clerk of the Senate, or by someone designated by the President.

Section 34. When a bill has had its second reading it shall be placed in the orders of the day or be recommitted and when next reached in the Senate it shall be ready for recommitment, amendment or debate, or to be read a third time and placed upon its passage, and the presiding officer shall so announce to the Senate. A bill may be recommitted or amended at any time before its passage.

Section 35. When a bill shall have passed the Senate and shall have been properly engrossed, and shall no longer be the subject of further amendment or motion, it shall be so certified by the Clerk of the Senate endorsing thereon the day of passage or adoption, and taken by him and delivered to the House of Representatives in open session, and its concurrence asked therein.

And a like concurrence shall be observed toward amendments put by the Senate upon House bill; but there shall in-

tervene at least one Legislative day between the day of the passage or adoption of any bill or resolution or the concurrence in any amendments and its delivery to the Senate. Provided that, however, that this rule shall apply to the last fifteen Legislative days of the session.

Section 36. When a Senate bill has been amended in the House and has been returned to the Senate for concurrence in the amendment it may be referred to a committee, but if referred, it shall be done in the same manner as original bills are referred.

Section 37. BILLS AFTER THEIR SECOND READING SHALL BE PLACED IN THE ORDERS OF THE DAY IN THE ORDER IN WHICH THEY HAVE BEEN GIVEN THEIR SECOND READING, and shall be taken therefrom for their third reading and final consideration in the order in which they appear in the Orders of the Day, unless otherwise ordered by a majority of the Senators elected.

Section 38. Bills originating in and passed by the House of Representatives, when reported to the Senate, shall be referred to a committee by the President and shall take the same course as other bills.

Section 39. All Senate bills and resolutions which have passed both Houses, the Senate and the House of Representatives, shall be delivered by the Senate Clerk to the Enrolling Clerk, who shall be responsible for their safekeeping until they are delivered to the Committee on Enrollments.

The Enrolling Clerk shall immediately upon receipt of said bills or resolutions, plainly and legibly enroll the same, using good paper, pen and ink, free from blots, interlineations or erasures. So soon as said enrollment is completed the Enrolling Clerk shall deliver the original bill or resolution and the enrolled copy thereof to the Committee on Enrollments. The Enrolling Clerk and said committee shall jointly compare one with the other, and if the enrollment is ascertained

to be correctly done the committee shall report the same to the Senate to be again read and compared in open session.

Immediately after said last named reading and comparison the original paper shall be returned to the Clerk of the Senate, who shall thereafter be responsible for the safekeeping thereof.

As soon as the enrolled bill or resolution has been signed by the presiding officers by both the Senate and the House of Representatives, the Clerk of the Senate shall present the enrolled paper to the Governor for his approval and take his receipt for same.

If any bill or resolution is found not correctly enrolled it shall be returned to the Enrolling Clerk to be properly enrolled, which, when done, shall be delivered to the Committee on Enrollments as is first provided herein.

The Enrolling Clerk shall receive no compensation other then the per diem allowed by law.

Section 40. The Committee on Enrollments may report at any time except during roll call or while a vote is being taken.

Section 41. No bill shall be copied or distributed by the public printer or any employee of the Senate or other person whose duty it is to have custody of the same until the same shall have been printed and returned with the printed copies thereof to the Clerk of the Senate, and all bills shall remain at all times in the hands of the Clerk of the Senate, Public Printer or the Committees to which said bills have been referred. It shall be the duty of the Committee on Public Printing to see that the provisions of this rule are rigidly enforced.

Section 42. No record which is in the hands of the Clerk of the Senate and is required by law to be entered upon the Journal of the Senate, shall be copied by the Clerk or any

other person for any person or persons whatsoever until same shall have been entered upon the aforesaid Journal and said Journal shall have been approved. The Committee on Public Printing shall rigidly enforce this rule.

Section 43. No bill shall be introduced or considered by the Senate during the last fifteen Legislative days of the Senate except upon the recommendation or report of the Rules Committee previously obtained, nor shall the Senate consider any bill originating in the House of Representatives during the last fifteen Legislative days of that body, except upon the recommendation or report of the Rules Committee of the Senate previously obtained.

The Rules of the Senate will take charge of and control all bills to be considered by the Senate during the last fifteen Legilsative days of the Senate and will determine what bill shall be considered during that time, and the order in which they shall be taken up and considered.

Section 44. There shall be printed 200 copies of each bill and joint resolution offered.

PARLIAMENTARY RULES

Section 45. In the absence of a specific rule of the Senate, Cromwell's, Reed's or Robert's Rules of Order shall govern the proceedings thereof.

Section 46. No Committee except the Committee on Enrollment and a Committee of Conference between the House and Senate shall sit while the Senate is sitting unless by consent of the Senate.

Section 47. In cases of all voting by the Senate, except as otherwise provided by the Constitution and the laws of the State, and as otherwise herein provided, a majority of the votes (a quorum being present) shall be necessary to a choice or decision.

Section 48. The Senate may correct errors in the Journal on the day the Journal containing errors is presented to the Senate for approval.

Section 49. Every oral motion after it has been stated by the presiding officer, and every written motion, bill, resolution or other paper after it has been read by the Clerk shall be the property and in possession of the Senate; and shall not be withdrawn without consent of the Senate.

Section 50. When a question is under consideration no motion shall be in order except:

First—To fix the time to which the Senate shall adjourn.

Second—To adjourn.

Third—To take recess.

Fourth—To lay on the table.

Fifth—For the previous question.

Sixth—To postpone to a fixed time.

Seventh—To commit.

Eighth—To amend.

Ninth—To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged; and the first five of them shall not be debatable. A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely, shall not be in order on the same day, upon the same question, and at the same status thereof; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Section 51. A motion to strike out the enacting words of a bill or resolution shall have precedence of a motion to amend; and if adopted shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Section 52. A motion to adjourn, to take a recess or a motion to adjourn to a time certain shall always be in order, except when a member is speaking or while a vote is being taken; subject, however, to the limitation set out in Rule 50.

Section 53. When the "previous question" has been ordered and a vote shall be immediately taken upon the pending measure and such pending amendments as are in order.

The effect of the "previous question" shall be to put an end to all debate; to prevent the offering of additional amendments, and to bring the Senate to an immediate vote upon the measure and amendments aforesaid.

The previous question may be ordered by a majority of the Senators voting on that question. On the call of the roll no Senator shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered a Senator whose bill or amendment or motion (if debatable) is pending may speak not exceeding ten minutes.

Section 54. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Section 55. Every written motion, report or measure may be committed or recommitted at the pleasure of the Senate.

Section 56. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder, shall not be in order.

Section 57. A motion to reconsider a vote shall not be in order unless made by a Senator who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two Legislative days next after the day the vote was taken.

However, the motion to reconsider, when coupled with the additional motion to lay that motion upon the table, may be made by any Senator.

Section 58. If any bill, motion or resolution has been, by vote, carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to the subject matter carried by said bill, motion or resolution, unless by the unanimous consent of the Senate.

Section 59. In the event that the privilege of the floor be extended to any person, and said person thereafter accept employment as a lobbyist, whether registered or unregistered, the acceptance of such employment shall automatically annul and void any privilege of the floor theretofore or thereafter granted.

Section 60. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Senator, but shall not again be read on the same day unless so ordered by the Senate.

Section 61. The Rules of the Senate, after their adoption, shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a two-third majority of the members elected to the Senate.

Whenever the Rules are suspended, as above, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day. Any proposed alteration, change or amendment

of the Rules shall, before a vote thereon be taken, be referred to the Committee on Rules, without debate, and the Committee shall report thereon within two days.

Section 62. Any Senator shall be allowed to explain his vote. But no Senator shall be allowed to speak more than three minutes to explain his vote.

Section 63. All questions, whether in Committee of the whole or in the Senate (WHEN NOT A PRIVILEGED QUESTION), shall be propounded in the order in which they were moved except that in filling blanks, the large sum and the longest time shall be put first.

Section 64. The Rules of procedure in the Senate shall be observed in Committee, so far as the same are applicable.

Section 65. When the roll is being called in taking a yea and nay vote and the hour of adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed, and the announcement of the result made.

Section 66. In all elections a previous nomination shall be made.

Section 67. When a motion has been made and seconded it shall be stated by the chair; or being in writing, shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Section 68. Two hundred and fifty copies of these rules shall be immediately printed for use of the General Assembly.

Section 69. The following shall be the standing Committees of the Senate:

Rules Committee.

Agriculture and State Fair.

Appropriations.

Banks and Trust Companies.

Charitable, Penal and Reformatory Institutions.

Child Welfare and Social Work.

Compensation for Industrial Injuries.

Congressional, Judicial, Senatorial and Legislative Districts—Reapportionments.

Constitutional Amendments.

Courts and Legal Procedure.

Common Carriers and Commerce.

Classification of Cities and Towns.

Criminal Law.

Drains and Ditches.

Education.

Enrollment.

Executive Affairs and Federal Relations.

Fish and Game.

Forestry and State Parks.

Geological Survey.

Insurance.

Judiciary.

Kentucky Statutes No. 1.

Kentucky Statutes No. 2.

Kentucky University and Normal Schools.

Labor and Manufacturing.

Library and Historical Records.

Mines and Mining.

Military Affairs.

Motor Vehicles.

Municipalities.

Printing.

Public Health.

Public Utilities.

Roads, Highways and Internal Improvements.

Revenue and Taxation.

Regulation of Intoxicating Liquors.

Suffrage and Elections.

Trade and Commerce.

Senator Allie W. Young moved the adoption of said rules as reported.

Said motion was unanimously agreed to.

Senator Allie W. Young moved that 250 copies of said rules and standing committees be printed in small booklet form for the convenience of the Senate.

Said motion was agreed to.

Senator Holloway moved to reconsider the vote by which said motion was adopted and that said motion lie on the table.

And said motion was agreed to.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

WEDNESDAY, JANUARY 20, 1932.

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Reverend B. A. Sykes of the First Presbyterian Church of Glasgow, Ky.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	Sewell B. Williams
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young
Wm. Isaacs	O. M. Rogers	—38

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Stewart proposed a resolution of the following title:

SENATE RESOLUTION No. 8

Resolution providing for reimbursing town of Hardinsburg, Kentucky, for construction of concrete street through town of Hardinsburg, same being approximately .84 miles on Federal Highway No. 60.

Said resolution reads as follows:

Whereas the State Highway Commission had constructed

Federal Highway No. 60 up to the corporate limits of the town of Hardinsburg; and,

Whereas the street designated and used as part of Route No. 60, through said town was in such condition that it became imperative that the same be reconstructed; and,

Whereas the Highway Commission was without funds necessary to rebuild said street at the time it was requested and importuned to do so; and,

Whereas the town council of said town, as a last resort, passed an ordinance requiring the said street to be rebuilt, and the Breckinridge Circuit Court made an order compelling the reconstruction and building of said street, and the same was confirmed when taken before the Court of Appeals of Kentucky, although the citizens sought to enjoin the building of the same; and,

Whereas the town of Hardinsburg, Kentucky, constructed .84 miles of concrete street or road through said town at a cost of $5.9584 per foot; and,

Whereas the cost to construct the street or road, as the road was constructed on either side of the town by the State Highway Commission would be the actual cost of street; now, therefore,

Be it resolved by the House of Representatives, the Senate concurring therein:

That the State of Kentucky, by the State Highway Commission, is indebted to the town of Hardinsburg, Kentucky, for said street improvement in the sum of actual cost of street, and that the Auditor of Public Accounts, be and he is hereby directed to draw his warrants on the State Treasurer in favor of the town of Hardinsburg, Kentucky, for the sum of the actual cost of street, and that said sum be charged to the State Highway Commission (Road) Fund.

To Committee on Appropriations.

Senator Hamilton proposed a resolution of the following title:

SENATE RESOLUTION No. 9

"A resolution to appropriate $10,000.00 to erect a monument in memory of the Kentuckians who took part in the battle of the First and Second Manassas (known as Bull Run)."

Said resolution reads as follows:

Be it resolved by the Senate, the House of Representatives concurring therein:

That the State of Kentucky appropriate a sum not to exceed the amount of $10,000.00 to erect a monument in honor of the Kentuckians who took part in these two battles between the North and South, on said battlefield in the State of Virginia.

That the Governor of Kentucky appoint a committee of four, as follows: Capt. John Esten Keller, President of the Confederate Veterans Association of Kentucky; Hon. J. L. Vallandingham, M. D., a member of the Phillip Preston Johnston Camp, Sons of Confederate Veterans, and Miss Julia Spurr, President of the Lexington Chapter, United Daughters of the Confederacy, together with the Governor of the State of Kentucky, all of said committee to serve without pay, and that said Committee be authorized to select an appropriate monument to be erected on said battlefield.

That after said monument is erected that the cost of the same be paid by the Treasurer on a warrant drawn on him by the Auditor of Public Accounts.

To Committee on Appropriations.

A message was received from the House of Representa-

tives announcing that they had passed bills of the following titles:

H. B. 9. An Act amending and re-enacting Section 14 of Chapter 19 of the Acts of 1916, being an act entitled: An Act for Further Regulation of Fire Insurance Companies, Agents, Rates, Fire Prevention, etc., providing for the Statement with Application for License for Agent, defining and enlarging powers and duties of the Insurance Commissioner in relation thereto and repealing all laws in conflict herewith; approved March 15, 1916; which is now Section 762a-14, Carroll's Kentucky Statutes.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 14 of Chapter 19 of the Acts of 1916, approved March 15, 1916, which said section is now Section 762a-14, Carroll's 1922 Kentucky Statutes, be and the same is hereby amended and re-enacted so that when amended and re-enacted said section will read as follows:

§ 1. An insurance agent is hereby defined to be an individual, copartnership or corporation duly authorized in writing by any insurer lawfully qualified to transact the business of fire insurance in this state, to solicit, negotiate or effect contracts of insurance. If a copartnership or corporation is an insurance agent, as above defined, the members of such copartnership and all officers and stockholders of such corporation who actually solicit, negotiate or effect contracts of insurance shall be required to qualify as agents under this act in lieu of the copartnership or corporation. Any person authorized by any of the above mentioned agents, corporations, copartnerships or individuals to solicit fire insurance shall also be required to qualify as agent under this

act. This act shall not apply to any executive officer or traveling salaried employee of any insurer subject to this act.

§ 2. Any person desiring as agent, as above defined, to engage in the fire insurance business, as herein set out, shall first apply to the Insurance Commissioner of this state in the manner hereinafter prescribed, for an insurance agent's license, authorizing such agent to engage in and transact such business. The applicant for such license shall file with the Insurance Commissioner his or her written application for a license authorizing him or her to engage in the fire insurance business, and shall further file a statement signed by an official or representative of any insurer lawfully authorized to transact business in this state, which said statement shall contain anwers to such interrogatories as the Insurance Commissioner may require, on uniform forms and supplements prepared by him, which shall set forth:

(a) That the applicant is personally known to him.

(b) That the applicant has had experience or instruction in the fire insurance business, or will be given competent instruction therein.

(c) That the applicant is of good business reputation and is worthy of a license, that he will not rebate any part of the premium or commission or offer any valuable consideration as an inducement to take insurance other than that clearly expressed in the policy, and if he signs policies, that he will maintain an office within this Commonwealth and keep therein at all times a complete, permanent record of all application for and policies of insurance placed by or through him, and will not sign any policies in blank to be issued outside of his office, and that he is a bona fide resident of this Commonwealth.

The applicant shall further file his affidavit that he will not rebate any part of the premium of commission or offer

any valuable consideration as an inducement to take insurance other than that clearly expressed in the policy, and if he signs policies, that he will maintain an office within this Commonwealth and keep therein at all times a complete, permanent record of all applications for and policies of insurance placed by or through him, and will not sign any policies in blank to be issued outside of his office, and that he is a bona fide resident of this Commonwealth.

§ 3. Each such first-time applicant for license before being permitted to take the examination herein provided for shall deposit with the Insurance Commissioner, or his proper deputy, an examination fee of $5.00, the fees thus collected to be used exclusively to defray the actual cost of the examinations herein provided for.

§ 4. It shall be the duty of the Insurance Commissioner or his deputy to subject each first-time applicant for license to examination as to his or her qualifications to act as such agent. Such examinations shall be reasonable, shall be in writing and shall cover the following subjects: The contents and interpretation of the fire insurance policy contracts in use in Kentucky; the rights and duties of an agent as they affect the insurance companies he represents and the public. The answers of the applicants to the questions propounded to them shall be graded by the Insurance Commissioner, and no such applicant shall be granted license unless he or she obtains seventy-five per cent as a general average. If the Insurance Commissioner shall be satisfied from said examination and from the other evidence before him that the applicant is of good business reputation and a proper person to be licensed, and that the granting of a license to such applicant will not be injurious to the public interest, the Insurance Commissioner shall issue to the applicant an insurance agent's license to transact business in this state on the behalf of any insurer certifying the applicant's name. Such examinations shall be held one each month at such times and places as shall be designated by the Insurance Commissioner, due announcement thereof to be made by him; and the places for such ex-

amination shall be chosen from time to time so as to be as convenient as practicable to the homes or places of business of the applicants. In case for any reason it shall be difficult or impossible for an insurance company to procure an agent who is properly qualified as hereinabove provided, a temporary license may be issued to act as insurance agent to one who complies with the provisions of Section 2 hereof, such license to be valid for such period of time as the Insurance Commissioner shall determine, but in no event to be valid beyond the time for grading and certifying the grades of the examination questions of the next examination held at a place convenient to the home or the place of business of said applicant. In case the holder of such temporary license shall pass said examination and comply with all the other requirements of this act, he shall thereupon be granted the regular insurance agent's license herein provided.

A first-time applicant shall be construed to mean a person to whom no license to act as a fire insurance agent under the laws of the State of Kentucky has theretofore been issued.

§ 5. The Insurance Commissioner, after twenty days' notice of his intention so to do, given in writing to the agent and the company, or companies, represented by him or her, shall have the right to revoke or suspend for a definite period of time any license in the event that investigation by him discloses that the holder of such license has committed any of the following acts or omissions:

(a) Violation of any provision of law relating to the conduct of his business.

(b) Willful making of a material misrepresentation in the application for the license.

(c) Fraud of any sort practiced in the securing of the license.

(d) Commission of a fraudulent practice, or fraudulent practices, in conduct of the agent's business.

(e) Demonstrated incompetency or untrustworthiness on the part of said agent.

(g) Any act or practice in connection with his duties as such agent which indicate unfitness to act as such agent.

Within thirty days after the revocation or suspension of a license, or after the refusal of a license, the person aggrieved shall have the right to petition the Circuit Court of Franklin County to require the reinstatement or issuance of said license. Within thirty days after the granting of a license, or the refusal by the Insurance Commissioner to revoke or suspend a license, any person aggrieved thereby shall have the right to petition the Circuit Court of Franklin County to revoke, suspend or refuse to grant such license; and for the purpose of taking such action persons aggrieved shall include insurance companies injured, or competitors injured or threatened with injury by any of the illegal or improper conditions or practices denounced herein. Any issue tried before the Franklin Circuit Court under this section of the Act shall be tried de nova in this court.

§ 6. In case any word, clause, sentence or section of this Act shall be held unconstitutional, such unconstitutionality shall not invalidate the remainder of this Act; it being the legislative intention to pass the remainder of such Act regardless of such partial invalidity.

§ 7. None of the provisions of this Act shall apply to Co-operative Companies or Assessment Companies, or Mutual Companies, or Reciprocal or Inter-insurance Exchanges, their attorneys-in-fact, or agents, or other representatives.

§ 8. All laws or parts of laws in conflict herewith are hereby repealed.

H. B. 13. An Act to amend and re-enact Section 6, Chapter 154, of the Acts of 1893, entitled "An Act in relation to the Auditor of Public Accounts, and entitled,

'Auditor,' " which was approved by the Governor on February 27, 1893, which is Section 143, Kentucky Statutes, 1930 Edition, which reads as follows: "A warrant of the Auditor upon the Treasurer shall state upon its face the date, amount and the name of the person to whom payable, and on what account, and out of what fund to be paid, and shall not be issued unless the money to pay the same has been appropriated by law; and he may require any claimant to state on the face of his claim the law under which it is payable." An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Section 6, Page 528, Chapter 154, of the Acts of 1893, entitled, "An Act in relation to the Auditor of Public Accounts, and entitled, 'Auditor,' " which is Section 143, Kentucky Statutes, 1930 Edition, be amended and re-enacted so that when said section is amended and re-enacted it shall read as follows:

(1) A warrant of the Auditor upon the Treasurer shall state upon its face the date, amount and name of the person to whom payable, and on what account, and out of what fund to be paid, and shall not be issued unless the money to pay the same has been appropriated by law; and at the time of issuing the warrant collected and then and there on deposit in the State Treasury; and he may require any claimant to state on the face of his claim the law under which it is payable.

(2) Provided, however, that nothing in this Act shall be construed to be in conflict with the rights now held by the State Highway Commission or the State Road Department,

in their negotiating and awarding of contracts for the construction or reconstruction of roads, highways or bridges in the State whenever it becomes necessary to issue warrants for the purpose of making partial or full payment on any contract for any road, highway or bridge in the Commonwealth.

(3) All laws or parts of laws in conflict are hereby repealed.

(4) Whereas, in view of the fact that Kentucky has a huge debt in outstanding warrants estimated to be approximately thirteen million ($13,000,000) dollars, which costs the taxpayers of Kentucky in interest charges alone from five hundred thousand ($500,000) dollars to six hundred and fifty thousand ($650,000) dollars a year, an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 14. An Act to amend and re-enact Section 9, Page 607, Chapter 169, of the Acts of 1893, entitled, "An Act concerning the State Treasury," which was approved by the Governor on March 27, 1893, and which is Section 4680, Kentucky Statutes, 1930 Edition, which reads as follows: "No money shall be paid out of the Treasury except upon the warrant of the Auditor, as now or may hereafter be provided by law, and then only by the check of the Treasurer upon a designated State depository, and no check shall be given by the Treasurer, even though the Auditor issues a warrant therefor, unless the law under which the money may be claimed expressly direct and orders that it shall be paid out of the Public Treasury. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 9, Chapter 169, Page 607, of the Acts

of 1893, entitled, "An Act concerning the State Treasury," which is Section 4680, Kentucky Statutes, 1930 Edition, be amended and re-enacted so that when said Section is amended and re-enacted it shall read as follows:

§ 2. No money shall be paid out of the Treasury except upon the warrant of the Auditor, as now or may hereafter be provided by law, and then only by the check of the Treasurer upon a designated State depository, and no check shall be given by the Treasurer, even though the Auditor issues a warrant therefor, unless the money at the time of issuing the check has been collected and is on deposit to the credit of the State, and the law under which the money may be claimed expressly directs and orders that it shall be paid out of the Public Treasury.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

§ 4. Whereas, it has been revealed that Kentucky has a huge debt of approximately $13,000,000 in outstanding warrants, which bear interest at the rate of five (5%) per cent per annum, of from five hundred thousand ($500,000) dollars to seven hundred and fifty thousand ($750,000) dollars a year, which is a great burden on the taxpayers of Kentucky and against sound finance, an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 15. An Act to amend and re-enact Section 1, Article 1, Chapter 192, Page 853, of the Acts of 1893, entitled, "An Act relating to claims upon the Treasury," which is Article 1, Section 340, Kentucky Statutes, 1930 Edition, which reads as follows: "The claims upon the Treasury, specified in this chapter, shall be paid when due by the Treasurer to the persons entitled to the same, the warrant to be issued by the Auditor upon such proof of the service or demand as is herein required," and providing for the creation of a contingent fund to be used by the Governor, with the approval of

the Sinking Fund Commission, to be used for emergency purposes. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1, Article 1, Chapter 192, Page 853, of the Acts of 1893, entitled, "An Act relating to the claims upon the Treasury," which is Article 1, Section 340, Page 332, Kentucky Statutes, 1930 Edition, which reads as follows: "The claims upon the Treasury, specified in this chapter, shall be paid when due by the Treasurer to the persons entitled to the same, the warrant to be issued by the Auditor upon such proof of the service or demand as is required herein," and providing for a contingent fund which the Governor may draw upon with the approval of the Sinking Fund Commission, and empowering the Auditor to issue warrants for same, so that when said Section is amended and re-enacted it shall read as follows:

(1) The claims upon the Treasurer, specified in this chapter, shall be paid when due by the Treasurer to the persons entitled to the same, the warrant to be issued by the Auditor upon such proof of the service or demand as is herein required.

(2) No claim shall be paid by the Treasurer, unless the money at the time of issuing the check has been collected and is on deposit to the credit of the State, and the law under which the money may be claimed expressly directs and orders that it shall be paid out of the Public Treasury.

(3) Nothing in this Act shall be construed to be in conflict with the rights now held by the State Highway Commis-

sion or the State Road Department, in the negotiating and the awarding of contracts for the construction or reconstruction of roads, highways or bridges in the State whenever it is necessary to issue warrants for the purpose of making full or partial payment on any contracts for any road, highway or bridge in the Commonwealth.

(4) There is hereby appropriated and shall be set aside by the State Treasurer, a contingent fund of one hundred thousand ($100,000) dollars, to be known as the "Emergency Contingent Fund," to be used by the Governor with the approval of the Sinking Fund Commission, in cases of emergency such as a flood, a fire, a famine, a cyclone, a drought, or an invasion of the rights of the Commonwealth and in protection and defense of its citizens, or any other emergency classified as an act of God, and the Auditor shall draw his warrant upon the Treasurer for such amounts as asked by the Governor to meet the conditions then and there confronting the citizens of the State. To meet the requirements of this Emergency Contingent Fund the Treasurer shall set aside this amount from the General Expense Fund of the State.

(5) Nothing in this Act shall affect the payment of salaries and compensation of public officers and agents of the State, when fixed and prescribed by law. The salaries of such officers and agents shall be paid upon the warrant of the Auditor, except the salary of the Auditor, that shall be paid upon the warrant of the Auditor when approved by the Governor.

(6) All laws or parts of laws in conflict herewith are hereby repealed.

(7) Whereas, the claims against the State represented by outstanding warrants amount to approximately thirteen million ($13,000,000) dollars, which costs the taxpayers of Kentucky in interest charges alone from five hundred thousand ($500,000) dollars to seven hundred and fifty thousand ($750,000) a year, an emergency is hereby declared to exist

and this Act shall take effect from and after its passage and approval by the Governor.

Bills of the following titles were introduced, referred and ordered printed, as follows, namely:

By Senator Hamilton.

S. B. 125. An Act empowering the State Board of Charities and Corrections to direct probation in Kentucky and providing for the designation and special compensation of a member of said Board to act as Chief Director of Probation and for the compensation of other employees and appropriating necessary funds from the general fund for its administration.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. State Board of Charities and Corrections Empowered to Administer Probation. The State Board of Charities and Corrections is hereby empowered to administer probation in Kentucky; and the Governor shall, upon the passage of this bill, appoint a member of said Board, other than its largest salaried officer, to act as chief director of probation.

§ 2. Powers and Duties of State Board of Charities and Corrections as to This Act. The State Board of Charities and Corrections shall exercise general supervision over the administration of probation in all courts of the State. It shall meet at stated times to be fixed by it, not less often than once in two months, and on call of the chief director of probation, to consider all matters in relation to probation in the State. The Board shall make an annual report to the

Governor, with statistical and other information and recommendations regarding the administration of probation and the laws relating thereto.

The Board shall keep informed of the work of all probation officers; may inspect the work of any probation officers and shall have access to all probation offices and records; shall compile and publish annually a list of the probation officers of the State; shall inform courts and probation officers of legislation concerning probation and of developments in the administration of probation; shall require reports of their work at regular intervals from probation officers and the juvenile courts; shall prescribe the form of records and reports to be used by probation officers; and shall consult and co-operate with the courts and probation officers in the development of methods and procedure in the administration of probation. The Board may arrange conferences of probation officers and judges.

The Board shall from time to time conduct competitive examinations to establish lists of persons eligible for appointment as probation officers in the Circuit Courts, prescribe qualifications for entrance to such examinations and establish rules for the conduct of such examinations and the eligibility of candidates for appointment, provided that no person shall be eligible for such examination or appointment unless he has a college education or its equivalent. The Board may also conduct such examinations and recommend persons for appointment as probation officers in any juvenile court, on request of the judge thereof. No person shall be appointed probation officer in any Circuit Court of this State who has not been certified by the Board in pursuance of such rules and examination. The Board may recommend to the proper authority the discharge of any probation officer.

§ 3. Compensation of Chief Director of Probation. The chief director of probation shall receive an annual salary of not less than sixteen hundred dollars ($1,600) in addition to his compensation as a member of the State Board of Charities and Corrections.

§ 4. Appropriation. There is hereby annually appropriated out of the general funds the sum of ten thousand dollars ($10,000) for the administration of this Act including the salaries and expenses of probation officers appointed by circuit judges.

§ 5. This Act shall take effect from and after its passage and approval by the Governor.

By Senator Hamilton.

S. B. 126. An Act to provide for the postponement of the rendition of judgment and the use of probation in criminal cases, providing for the appointment and compensation of probation officers and defining their powers and duties.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Probation and Postponement of Rendition of Judgment. The courts may place on probation any person before them charged with crime, except in cases where the penalty of life imprisonment or death may be inflicted. After conviction or a plea of guilty, the courts may postpone the rendition of judgment and place the defendant on probation.

§ 2. Investigation. When directed by the court the probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of any defendant. No defendant charged with a felony, and, unless the court shall direct otherwise in individual cases, no other defendant shall be placed on probation or released under the postponement of the rendition of judgment until the report of such investigation shall have been presented to and considered by the

court. Whenever practicable, such investigation shall include physical and mental examinations of the defendant. If such defendant is committed to any institution, a copy of the report of such investigation shall be sent to the institution at the time of commitment.

§ 3. Conditions of Probation. The court shall determine and may at any time modify the conditions of probation and may include among them the following, or any other: That the probationer shall:

(a) Avoid injurious or vicious habits;

(b) Avoid persons or places of disreputable or harmful character;

(c) Report to the probation officer as directed;

(d) Permit the probation officer to visit him at his home or elsewhere;

(e) Work faithfully at suitable employment as far as possible;

(f) Remain within a specified place;

(g) Pay money, in one or several sums as directed by the court in a total amount not to exceed the sum named in the verdict or imposed by the court;

(h) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense, in an amount to be determined by the court;

(i) Support his dependents.

§ 4. Termination of Probation, Arrest, Subsequent Disposition. The period of probation or of postponement of rendition of judgment shall be determined by the court and

may be continued or extended. Upon the satisfactory fulfillment of the conditions of probation the court shall by order duly entered discharge the defendant, and the defendant shall not thereafter be put in jeopardy for the offense for which he was placed on probation. At any time during the period of probation or of postponement of rendition of judgment, the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or of postponement of rendition of judgment. Any probation officer, police officer or other officer with power of arrest, upon the request of the probation officer, may arrest a probationer without a warrant. In case of an arrest without a warrant the arresting officer shall have a written statement by said probation officer setting forth that the probationer has, in his judgment, violated the conditions of probation and said statement shall be sufficient warrant for the detention of said probationer in the county jail, or other appropriate place of detention, until such probationer can be brought before the court. Such probation officer shall forthwith report such arrest and detention to the court and submit in writing a report showing in what manner the probationer has violated his probation. Thereupon the court, after a hearing, may revoke the probation or the postponement of rendition of judgment and shall, in such case, proceed to deal with the case as if there had been no probation or postponement of rendition of judgment.

§ 5. Appointment of Probation Officers. The judge or judges of each circuit shall appoint one or more probation officers from a list certified to said judge or judges by the State Board of Charities and Corrections. All appointments of probation officers shall be made by orders entered of record in the circuit court and a certified copy of such court order shall be transmitted by the clerk thereof to the State Board of Charities and Corrections. In order to qualify as probation officer, such person appointed as aforesaid shall appear before a judge of the circuit in which he is to serve and take the oath of office as prescribed by law, which oath shall be administered by said judge and the act noted of record by the

clerk, and shall give bond to the Commonwealth of Kentucky with corporate surety in an amount fixed by said judge for the safe-keeping of all moneys collected, which bond shall be forwarded to and lodged with the State Board of Charities and Corrections.

§ 6. Jurisdiction of Probation Officers—Removal. The jurisdiction and powers of a probation officer shall be co-extensive with the judicial district for which he is appointed to serve. The judge of a court other than the circuit court may request the judge or judges of the circuit court for the services of the probation officer, and upon consent entered of record by such circuit court said probation officer shall serve in such other court with like powers and duties as in the circuit court.

The judge or judges of any circuit court shall have power to suspend or remove any probation officer serving in that court for incompetency, misconduct, failure to carry out the orders of the court, or neglect of any duty. Such suspension or removal shall be made by order entered of record, which order shall include a statement of the reasons for such suspension or removal, and a certified copy of such order shall be transmitted by the clerk of the court to the State Board of Charities and Corrections.

§ 7. Compensation. Probation officers appointed under this Act shall be paid such salaries as the State Board of Charities and Corrections shall determine, out of State funds as provided by law. Such salaries, however, shall be not less than fifteen hundred dollars ($1,500) nor more than twenty-five hundred dollars ($2,500) per year. Probation officers shall also be paid their traveling and other necessary expenses incurred in the performance of their duties, after the same have been approved by the judges in whose courts they serve.

§ 8. Duties and Powers of Probation Officers. A probation officer shall investigate all cases referred to him for investigation by any court in which he is serving and shall

report in writing thereon to the court. He shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each probationer under his supervision by visiting, requiring reports and in other ways and shall report thereon in writing as often as the court may require. Such officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court, to aid and encourage persons on probation and to bring about improvement in their conduct and condition. Such officer shall keep detailed records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision and shall keep or give receipts therefor; shall pay over all moneys collected from the defendant to the court having jurisdiction of the person on probation; and in the event that such money collected is restitution, or for the support of neglected or abandoned dependents, such moneys shall be paid to the aggrieved, neglected or abandoned parties and receipts therefor taken, and filed in the records of the case; shall make such reports in writing to the State Board of Charities and Corrections as it may require; and shall perform such other duties as the court may direct. Any probation officer, with the approval of the court, may act as parole officer over persons released from any correctional institution upon the request and with the consent of the parole authorities in this Commonwealth. A probation officer shall have, in the execution of his duties, the powers of arrest and the same right to execute process as is now given, or that may hereafter be given by law, to the sheriffs in this Commonwealth.

§ 9. Protection of Records. All information and data obtained in the discharge of official duty by any probation officer shall be privileged information, shall not be receivable as evidence in any court, and shall not be disclosed directly or indirectly to anyone other than to the judge or to others entitled under this Act to receive reports, unless and until otherwise ordered by such judge.

§ 10. Transfers of Cases. A court may transfer a person on probation under its jurisdiction from the supervision of one probation officer to that of another probation officer in this or any other State. Such transfer shall be reported by the court to both such probation officers and to the person on probation, and a copy of such transfer shall be filed with the records of the case. Whenever a person placed on probation resides in a locality or district in this or another State outside the jurisdiction of the court which placed such person on probation, or whenever a person on probation desires to remove to a locality or district outside its jurisdiction, such court may transfer such probationer to a probation officer regularly appointed and authorized to serve for the locality or district where such probationer resides or to which he is to remove; provided, that such probation officer sends to the court desiring to make such transfer a written statement that he will receive and exercise supervision over such probationer and, provided further, that such statement is approved in writing by the judge or judges of the court, if located in the Commonwealth of Kentucky, to which such probation officer is attached. Such probation officer shall report concerning the conduct and condition of said probationer to the court which placed the defendant on probation.

§ 11. Office Accommodations. The fiscal court in each county in which a probation officer serves shall provide in or near the court house suitable office space for such officer.

§ 12. Chief and Assistant Probation Officers—Meaning of Terms. When there are two or more probation officers appointed for one district or circuit, one shall be designated by the judge or judges thereof as "Chief Probation Officer" and the others as "Assistant Probation Officers." The words "Probation Officer" as used in this Act shall include chief and assistant probation officers, unless otherwise specified. The word "probation" shall mean the placing of a defendant under the supervision of a probation officer by order of and under conditions imposed by the court.

§ 13. This Act shall take effect from and after its passage and approval by the Governor.

By Senator Isaacs.

S. B. 127. An Act to repeal and re-enact Section 4399a, Subsection 10 of Baldwin's 1928 Supplement of Carroll's 1922 Edition, Kentucky Statutes, relating to public schools, and being Section 10 of an Act creating a County Board of Education, prescribing its duties, fixing the tenure of office and compensation of its members, providing for the election of a County Superintendent by said Board, fixing his qualifications, compensation and term of office and prescribing his duties and fixing his bond, providing for the election of attendance officer by the County Board of Education, providing for the levy of tax for common school purposes in each county, prescribing the duties of the County Tax Commissioner, the County Clerk with reference to the assessment of the property subject to said tax and prescribing the duties of the County Board of Education and the Fiscal Court, levying said tax and prescribing the duties of the sheriff in collecting said tax and making his settlement to the Fiscal Court, providing the manner of paying his commission for collecting same, prescribing the duties of the Fiscal Court with reference to making settlement with the sheriff for said tax, providing for the employment of teachers, providing for the appointment of district trustees and prescribing their duties.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4399a, Subsection 10 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, be and the same is now repealed and re-enacted so that said Subsection 10 when re-enacted shall read as follows:

At the regular November election held on the first Tuesday after the first Monday in November, 1933, and every four years thereafter, there shall be elected by popular vote in each county in this State, a County Superintendent of Public Schools, who shall assume office on the first Monday in January, 1934, and hold said office for a term of four years and until his successor has been elected and qualified, no person shall be eligible to the office of Superintendent of County Schools who does not hold a proper Certificate of Scholarship Administration and Supervision as provided by law; provided, however, that all County Superintendents of Schools at the time of this Act takes effect, shall continue to serve to the end of the term for which they were appointed and qualified unless sooner removed as now provided by law. Said Superintendents of County Schools shall be eligible for reelection.

The Superintendent of County Schools shall devote his time to the public schools and shall receive such compensation as the Fiscal Court of the county may direct to be paid from the County School Fund in equal monthly installments. In case of vacancy in the office of the Superintendent of County Schools from any cause whatever, said vacancy shall be filled as provided by Section 1526, Carroll's 1922 Edition, Kentucky Statutes.

By Senator Isaacs.

S. B. 128. An Act relating to roads and bridges and establishing as a part of the primary system of State highways a road leading from a point on Kentucky Highway No. 52, at West Irvine, via Station Camp, Kentucky, up Red Lick Creek to a point on Kentucky Highway No. 21 at or near Big Hill, Kentucky, in Madison County, and designate the same as State Project No. —.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State highways a road leading from a point on Kentucky Highway No. 52 at or near West Irvine in Estill County by way of Station Camp, Kentucky, up Red Lick Creek to a point in Kentucky Highway No. 21, at or near Big Hill, Kentucky, in Madison County, and the said road shall be designated as Project No. —, and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect, with relation to the primary system of roads.

By Senator Isaacs.

S. B. 129. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from Booneville in Owsley County to Campton in Wolfe County, via Tallega and Fillmore in Lee County, and crossing the North Fork of the Kentucky River at the mouth of Rock Lick Creek in Breathitt County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from Booneville in Owsley County, up Meadow Creek; thence down Lyman's Creek to Tallega, in Lee County; thence to Fillmore; thence to the mouth of Rock Lick Creek, in Breathitt County; thence bridging the north fork of the Kentucky River at this point and thence to Campton, in Wolfe County, and there connecting with the Kentucky-Virginia Highway, a total distance of approximately thirty (30) miles.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

By Senator Yates.

S. B. 130. An Act amending Section 4114i-1, Kentucky Statutes, Carroll's 1930 Edition.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4114i-1, Kentucky Statutes, Carroll's 1930 Edition, be and it is hereby amended so that said section as amended shall read as follows:

There shall be a State Tax Commission composed of three Commissioners. The members of said Commission shall be electors of the State, free-holders, and not less than thirty years of age.

All Acts and parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

By Senator Pogue.

S. B. 131. An Act to amend and re-enact Section 4426-1 of Kentucky Statute Supplement, Act of 1926, Chapter 82, Page 282, of the General Assembly.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4426-1, of the Kentucky Statute Supplement, Act of 1926, Chapter 82, Page 282, Section 1, be amended by striking therefrom the word "twenty-five" and inserting in lieu thereof, the word "fifteen" so that when said section is so amended and re-enacted, it will read as follows: "Every county in this Commonwealth shall constitute one county school district; provided that in any county in which there is an independent graded school district or city school district containing a city of the first, second, third or fourth class, the county school district shall be composed of the remainder of the county outside of such independent district or districts. The county board of education of any county shall have full power, except as otherwise provided in this Act, to change the boundaries of school subdistricts of the county school system and, when necessary, to establish new subdistricts or to unite subdistricts or parts of subdistricts; provided that the boundary of any subdistrict having bonded indebtedness cannot be extended except upon written petition of two-thirds of the legal voters in the territory proposed to be added; and provided, further, that no subdistrict shall be established or maintained with fewer than fifty children of school age except in case of emergency, nor in any case with fewer than fifteen such children. But the county board of education may at any time authorize and provide for the transfer of any child, children or grades in any subdistrict to the public school of another subdistrict if it is nearer or otherwise desirable."

By Senator Turner.

S. B. 132. An Act to amend Section 564, Subsection 2, Kentucky Statutes, Carroll's Edition, 1915, relating to corporation.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 564, Subsection 2, Kentucky Statutes, Carroll's Edition, 1915, be and the same is amended by adding the following: But for such purpose of taxation if any corporation heretofore incorporated with capital stock of a fixed par value shall change its capital stock from a fixed par value to no par value under the provisions of this section, and shall have paid the organization tax required upon its fixed par value, then no additional organization tax shall be required upon the change of capital stock with a fixed par value to capital stock of no par value; unless, at the time of such change, or any time thereafter, there shall be paid into the treasury of any such corporation, additional capital by the stockholders, voluntarily or under assessment, then the actual amount of such increase shall be reported to the Secretary of State, and the organization tax fixed by law paid thereon; so that said section as thus amended shall read as follows, to-wit:

(2) Stock Without Par Value. Any corporation organized under this law may, if so provided in its certificate of incorporation or in an amendment thereof, issue shares of stock (other than stock preferred as to dividends or preferred as to its distributive share of the assets of the corporation or subject to redemption at a fixed price) without any nominal par value. Every share of such stock without nominal par value shall be equal to every other share of such stock, except that the certificate of incorporation may provide that such stock shall be divided into different classes with such designations and voting powers or restriction or qualification thereof as shall be stated therein, but all such stock shall be subordinate to the preferences given to preferred stock, if

any. Such stock may be issued by the corporation from time to time for such consideration as may be fixed from time to time by the board of directors thereof, pursuant to authority conferred in the certificate of incorporation, or if such certificate shall not so provide, then by the consent of the holders of two-thirds of each class of stock then outstanding and entitled to vote given at a meeting called for that purpose in such manner as shall be prescribed by the by-laws and any and all such shares so issued, the full consideration for which has been paid or delivered, shall be deemed full paid stock and not liable to any further call or assessment thereon, and the holder of such shares shall not be liable for any further payments under the provisions of this chapter. In any case in which the law requires that the par value of the shares of stock of a corporation be stated in any certificate or paper, it shall be stated, in respect of such shares, that such shares are without par value, and whenever the amount of stock, authorized or issued, is required to be stated, the number of shares authorized or issued shall be stated, and it shall also be stated that such shares are without par value.

For the purpose of taxes prescribed to be paid on the filing of any certificate or other paper relating to corporations and of franchise taxes prescribed to be paid by corporations to this State, but for no other purpose, such shares shall be taken to be of the par value of one hundred dollars each. But for such purposes of taxation, if any corporation heretofore incorporated with capital stock of a fixed par value shall change its capital stock from a fixed par value to no par value, under the provisions of this section, and shall have paid the organization tax required upon its fixed par value, then no additional organization tax shall be required upon the change of capital stock with a fixed par value to capital stock of no par value; unless, at the time of such change, or any time thereafter, there shall be paid into the treasury of any such corporation, additional capital by the stockholders, voluntarily or under assessment, then the actual amount of such increase shall be reported to the Secretary of State, and the organization tax fixed by law paid thereon.

By Senator Royster.

S. B. 133. An Act authorizing the County Court Clerks to issue hunting and fishing licenses to any resident of the Commonwealth of Kentucky, who has served as, or is now, a soldier, sailor, marine or army nurse in the army or navy of the United States of America.

To Committee on Fish and Game.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any resident of the Commonwealth of Kentucky, who has served as, or is now, a soldier, sailor, marine or army nurse in the army or navy of the United States of America, and who being otherwise under the law entitled to receive a hunting or fishing license, shall be entitled to have the same issued without the payment of any license fee, except the fifteen (15c) cents now allowed by law to the County Clerk for his services in and about the issuing of such license.

§ 3. Any such person desiring to obtain a license to hunt or fish under the provisions of this Act, shall make affidavit showing that such person served as, or is now, a soldier, sailor, marine or army nurse in the army or navy of the United States of America.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Senator Royster.

S. B. 134. An Act to amend Section 2132 of Carroll's Kentucky Statutes, relating to the interest that a surviving husband or wife shall have in the real and personal estate left by the deceased spouse.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2132 of Carroll's Kentucky Statutes be amended so as to read as follows: After the death of either the husband or wife the survivor shall have an absolute estate in fee simple in one-half of the real estate and personal property left by such decedent.

By Senator Franklin.

S. B. 135. An Act to amend and re-enact Section 2 of Section 606 of Carroll's Kentucky Civil Code of Practice.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of Section 606 of Carroll's Kentucky Civil Code of Practice be, and the same hereby is, amended and re-enacted so that the same, when amended and re-enacted, shall read as follows, to-wit:

2. (Infant—lunatic or dead person—when party may testify against.) Subject to the provisions of Subsection 7 of this section, no person shall testify for himself concerning any verbal statement of, or any transaction with, or any act done or omitted to be done by an infant under fourteen years of age, or by one who is of unsound mind or dead when the testimony is offered to be given except for the purpose, and to the extent, of affecting one who is living, and who, when over fourteen years of age and of sound mind, heard such state-

ment, or was present when such transaction took place, or when such act was done or omitted, unless—

a. (Infant—provision as to.) The infant or his guardian shall have testified against such person, with reference to such statement, transaction or act, or an adverse party shall have introduced evidence with reference to such statement, transaction or act; or,

b. (Person of unsound mind.) The person of unsound mind shall, when of sound mind, have testified against such person, with reference thereto, or an adverse party shall have introduced evidence with reference to such statement, transaction or act; or,

c. (Decedent—provision as to.) The decedent, or a representative of, or someone interested in, his estate, shall have testified against such person, with reference thereto, or an adverse party shall have introduced evidence with reference to such statement, transaction or act; or,

d. (Agent of decedent or person of unsound mind.) An agent of the decedent or person of unsound mind, with reference to such act or transaction, shall have testified against such person, with reference thereto, or be living when such person offers to testify, with reference thereto.

§ 2. Owing to the fact that injustice results from the application of the law as it now stands, and there are numerous suits pending in the courts of this Commonwealth in which such application will result in grave injustice, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval as required by law.

By Senator Franklin.

S. B. 136. An Act to amend Chapter 110 of the Acts of the General Assembly of the Commonwealth of Kentucky, for

the year 1928, being an Act entitled an Act to amend and re-enact Section 1720, of the Kentucky Statutes, Carroll's Edition, 1922, relating to fees.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 110 of the Acts of the General Assembly for the year 1928, being an Act entitled an Act to amend and re-enact Section 1720, of the Kentucky Statutes, Carroll's Edition, 1922, relating to fees, be amended by repealing and striking from the same the last sentence of said Act, containing the following words and figures, namely:

"That the clerks of the various circuit courts of this Commonwealth shall collect the sum of five dollars ($5.00) on each original action or suit, commencing with original process, in their respective courts. Said sum to be collected when such action or suit is filed and applied as a credit on the costs accruing in such action or suit, and shall not affect their fees now prescribed by law."

By Senator Franklin.

S. B. 137. An Act to amend Chapter 146 of an Act of the General Assembly passed at its 1920 session entitled "An Act relating to free public libraries in cities and towns of the third, fourth, fifth and sixth classes of this Commonwealth," the same being Sections 2741d-1 to and including 2741d-5 of Carroll's Kentucky Statutes, Official edition 1930; by adding thereto sections providing that certain libraries in said cities and towns shall be free public libraries, how they may become such, for their support, for separate funds, separate libraries for the white race and for the negro race, for taxing separate property of the two races and the division of funds, for

issuing warrants on claims, for appointment of the first board of trustees and defining the construction to be applied to this amendment."

To Committee on Library and Historical Records.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In cities and towns of the classes named herein in which there is no free public library, but in which a library building which cost at least ten thousand dollars ($10,000.00) in cities of the third, fourth and fifth classes, or at least five thousand dollars ($5,000.00) in towns of the sixth class, and is reasonably of that value, has been or hereafter may be erected, and fully paid for by voluntary donations made by citizens and business organizations of said city or town and the vicinity thereof, not including in any one donation any amount over two per cent of the whole sum contributed, on a lot in said city or town, the fee-simple title to which is in a library association or corporation or trustees for library purposes, and which lot is fully paid for and free from incumbrance, and which library building and lot with the emoluments thereof are devoted wholly to library purposes, and into which library building and library, all citizens of said city or town, or all white citizens thereof, or all colored citizens thereof, as the case may be, have, and shall continue to have, free and equal rights of admittance into said library building and free and equal rights and privileges to the use of the library as named and provided for in this Act, shall be entitled to and shall have all of the aid, benefits, and applications of the terms and provisions herein, and in said chapter 146; provided, however, the two-tenths of one mill on each one dollar ($1.00) named in section 1 of said chapter 146 as the least popular subscription required, and the one mill on each one dollar ($1.00) named in said section and in section 3 thereof as the maximum limit of the tax levy authorized

therein shall, for all separate class libraries provided for in this section, be based or levied upon each one-dollar ($1.00) of all property which is subject to taxation for other municipal purposes in such city or town owned by all persons of the race or races, respectively, to whom is given the free access to said library building and library; provided, the minimum valuation of the library building erected or that may be hereafter erected by voluntary donations, as herein provided, for the exclusive use of the class or race known as the Negro or colored race, shall be four thousand dollars in cities of the third, fourth and fifth classes and two thousand ($2,000.00) in towns of the sixth class.

§ 2. If a library building herein provided for has been or hereafter shall be erected from voluntary donations as herein named, for the separate and exclusive use of each of said races in such city or town and a library is or shall be maintained therein according to the provisions of this amendment for each separate race, the revenue derived from the one-half of all fines, forfeitures, and costs from the police court, appropriated in section 5 of said chapter 146 shall, when paid to the treasurer of the city or town, be credited to the library fund of said separate library organizations, respectively, in the proportion per capita as the total number of citizens of such city or town belonging to each of the respective races bears to the total population of the city or town as shown by the last preceding census made by the official authorities of the said city or town. The revenues derived from the ad valorum tax against property belonging to the respective races shall be credited to the library fund for which the levy was made, giving to each the amount collected on property of each race, respectively, viz.: credit to the library fund for the white race the revenue received from property of the white race and credit to the library fund for the Negro race the revenue received from property of the Negro race. Amounts received from ad valorum taxes on all property and any and all other taxes received for library purposes, shall be apportioned to the said library funds in the way and manner that is now or hereafter may be, provided by law for common or graded school purposes.

§ 3. If in any of said cities or towns only one of the library buildings named and provided for in section 1 hereof has been or hereafter may be erected and a library installed therein for the separate and exclusive use of only one of the said races of said city or town, such free public library shall receive the full amount of the fines, forfeitures and costs appropriated in section 5 of said chapter 146, and the full amount of taxes levied for library purposes on all the other property of said city or town subject to taxation for school purposes, except there shall be no tax levied on any property of the race who do not have free access to the said building and library.

§ 4. Members of the first board of any public library herein provided for shall be appointed immediately after the tax is levied or subscriptions have been made and approved by the mayor or chief executive—one for one year, one for two years, one for three years and two for four years; thereafter the term of office shall be for four years and until their successors are appointed and qualified.

§ 5. Each warrant issued on claims allowed for such public library shall specify the proper library fund out of which it is payable if there are more than one library fund.

§ 6. The trustees and managing authorities of any library which they desire shall become a free public library herein authorized or a majority of the members of each thereof may file their petition with the common council or governing authority of such city or town or county requesting that such library property be declared a free public library as provided for in said Chapter 146; but no such library property shall be in any way affected by this law until such petition is so filed.

The petition shall state the facts and conditions existing as required herein to become a free public library and shall be sworn to by one of the petitioners. The council or governing authority may require additional proof of the statements

in the petition. An appeal may be taken from the decision of the council or governing authorities by any of the petitioners or any taxpayer of said city or town to the Circuit Court of the county.

§ 7. The provisions of this act shall not in any way apply to any free public library heretofore or hereafter organized under said chapter 146, except those libraries named in section 1 of this amendment which shall hereafter be organized; but all provisions of said chapter 146, not inconsistent with this amendment, shall apply to all libraries named in section 1 of this amendment.

§ 8. If any provision or portion of any provision of this act shall be adjudged to be unconstitutional such judgment shall not affect any other portion and the remainder of the act shall continue in force and effect. If the provision in section 3 hereof for the use of fines, forfeitures and costs in the police court shall be adjudged to be unconstitutional, the library therein named shall receive its proportional part of said fines, forfeitures and costs as provided for in section 2 hereof.

By Senator Franklin.

S. B. 138. An Act to repeal and re-enact Section Thirty, Chapter One Hundred Seventy One Acts General Assembly, 1893, being Section Five Hundred Sixty Seven of Carroll's Kentucky Statutes, 1922 and 1930, relating to private corporations.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 30, Chapter 171 Acts of General Assembly of 1893, being section 567, Kentucky Statutes, edition of 1922

and 1930, be, and the same is hereby repealed, and in lieu thereof the following enacted so said section when re-enacted will read as follows:

Section 567. Business Corporation May Engage in; What Land May be Held.—No corporation shall engage in business other than that expressly authorized by its articles of incorporation or amendments thereto; nor shall any corporation, directly or indirectly, engage in or carry on in any way the business of banking, or insurance of any kind, unless it has become organized under the laws relating to banking and insurance; nor shall any corporation hold or own any real estate, except such as may be necessary and proper for carrying on its legitimate business, for a longer period than five years under penalty of escheat. Any action to escheat real estate held contrary to the provisions of this section shall be brought in the name of the Commonwealth of Kentucky in the circuit court of the county in which said real estate, or a part thereof, is situated. Before any such action may be instituted, the Attorney General, or the Auditor of Public Accounts, shall give written notice to the corporation holding the title to said real estate, that, unless said property is disposed of within two years after receipt of said written notice, an action will be commenced to forfeit said real estate and no such action shall be brought or prosecuted before the expiration of said period. Said notice shall contain a brief description of said real estate, and shall be served as provided by Section Six Hundred Twenty-Eight of Civil Code of Practice. The serving of the notice, as herein provided, shall in no way invalidate or impair the corporation's title to said real estate, nor abridge its right to convey the same before the institution of such action.

By Senator Franklin.

S. B. 139. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4693, Kentucky Statutes, Carroll's Edition, be repealed and re-enacted so as to read as follows:

"Before any bank shall be named as depository, or permitted to receive the public funds, said bank shall execute to the Commonwealth of Kentucky a bond, with good sureties, worth severally or jointly, not less than One Hundred Thousand Dollars ($100,000.00), to be approved by the Treasurer, conditioned that said bank will pay over, when demanded, all money deposited with it by the Treasurer, and otherwise faithfully comply with the requirements of the law relating to it as a depository. The bond shall be filed with and be recorded by the Secretary of State, and shall be renewed at least once in every two years and oftener if required by the Treasurer, or in lieu of the bond herein provided for said bank may pledge with the State Treasurer State warrants or other securities in such amount and of such character and description as may be approved by the Treasurer in order to secure such deposits. A written receipt for which warrants or other securities so pledged shall be delivered by the Treasurer to the depository pledging same. The execution of this bond, or the deposit of the public funds in banks named as depositories, or the pledge of said State warrants or other securities, shall not in any wise diminish the liability of the Treasurer and his sureties upon his bond, but the Treasurer is not liable on his bond as an insurer. Nor shall the execution of said bond or the pledge of said State warrants or other securities impair or delay the right of the Commonwealth to recover on the Treasurer's bond for any loss or misapplication of the public funds or other delinquency in office. Nor shall the execution of the bond by the bank or the pledge of said State warrants or other securities impair or delay in any way the right of the Commonwealth to recover from any delinquent or defaulting bank, or the officers or

stockholders thereof, in the same manner as other depositories."

An emergency is hereby declared to exist and this act shall take effect upon its passage and approval by the Governor.

By Senator Hamilton.

S. B. 140. Bill to make June 3rd "Confederate Memorial Day" a legal holiday.

To Committee on Library and Historical Records.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the 3rd day of June of the year 1932 and the 3rd day of June of each year thereafter is hereby declared a legal holiday, to be known as "Confederate Memorial Day," and the same shall be recognized, classed and treated as other legal holidays under the laws of this State.

By Senator Humphreys.

S. B. 141. An Act to amend and re-enact Section 2622 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2622 of the Kentucky Statutes compiled by the Honorable John D. Carroll, be amended and re-enacted so

that said section as amended and re-enacted shall read as follows:

2622. The Kentucky board of pharmacy shall meet in the month of January of each year, and organize by the election of a president, secretary and treasurer, who shall be elected for a term of one year, and shall perform the duties prescribed by the Board. The president and treasurer shall be elected from the members of the board, but the secretary need not be a member of the board. It shall be the duty of the said board to examine all applicants for registration, to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to report annually to the Governor and to the Kentucky pharmaceutical association upon the conditions of pharmacy in the Commonwealth, which report shall also furnish a record of the proceedings of said board for the year, and also the names of all persons duly registered under this act, and shall include an account of all moneys received and expended by the board. The board shall keep a book of registration in which shall be entered the name and place of business of all persons registered under this act. The said board shall hold meetings for the examination of applicants for registration, and the transaction of such other business as shall pertain to its duties at least semi-annually on the second Tuesday of January and July of each year, in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. The records of said board, or a copy of any part thereof, certified by the secretary to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of this Commonwealth. The said board shall have power to make by-laws for the proper execution of its duties under this act. Three members of said board shall constitute a quorum.

By Senator Humphreys.

S. B. 142. An Act to amend and re-enact Section 2625 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2625 of the Kentucky Statutes compiled by the Honorable John D. Carroll, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

2625. Any person who is more than twenty-one years of age, of good moral character, possessing such standards of education, both academic and pharmaceutical, and such practical experience as the Kentucky Board of Pharmacy shall from time to time determine, filing written application, properly verified, setting forth his age, residence, education, and practical experience as may be required, after passing a satisfactory examination to be conducted in the English language before the Kentucky Board of Pharmacy under such rules and regulations as the board may determine, shall be entitled to a certificate as a registered pharmacist. The examination fee shall be not less than $10.00 nor more than $25.00, as said board shall, from time to time, fix, and shall be charged and collected for each examination taken by each applicant. Such persons who are now registered under the laws of this Commonwealth as registered assistant pharmacists shall continue to hold their status as registered assistant pharmacists. Registered assistant pharmacists may have temporary charge of a drug store where he is regularly employed during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in a calendar year. Whenever such absence is for a period of twenty-four consecutive hours, or longer, the proprietor, owner, manager, or person in charge of said drug store or pharmacy, shall immediately notify the Secretary of the Kentucky Board of Pharmacy, the number of days his store will be in charge of a registered assistant pharmacist, and give the name of such assistant. This provision shall not

be employed as a subterfuge or trick to defeat the law requiring all drug stores or pharmacies to be in charge of a registered pharmacist; all drug stores or pharmacies must be in charge of a registered pharmacist who shall devote all of his time to said drug store or pharmacy in good faith, except for the thirty days in each year allowed herein. Registered assistant pharmacists must devote their time exclusively to the one store at which they may be employed. Any proprietor, owner, manager, or person in charge of a drug store or pharmacy or registered assistant who shall fail to comply with the above provisions shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $20.00, nor more than $100.00 for each offense. Any person filing a false application of any of the facts required herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $20.00, nor more than $100.00, and shall have his certificate of registration revoked. Any registered pharmacist or registered assistant pharmacist who shall be convicted of a felony, or is proven to be an addict to habit-forming drugs, or who is an habitual drunkard, shall forfeit his certificate to practice pharmacy. All certificates hereafter issued shall have plainly written, printed or stamped upon the face thereof the words, "revocable for the causes specified by law," and "awarded upon examination."

By Senator Humphreys.

S. B. 143. An Act repealing Chapter 72 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1920, said Act being designated as Sections 1549A-1, 1549-A-2, 1549A-3 and 1549A-4 of the Kentucky Statutes, Carroll's, 1930 Edition and re-enacting Subsection 1 of Chapter 7 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1912, same being designated as Section 1550-1 of the Kentucky Statutes, Carroll's 1930 Edition, so as to require all elected officers to be nominated at a Primary Election except those specifically exempted in Subsection 2 of Section 1 of the above mentioned Act of 1912.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 72 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1920, same being designated as Sections 1549A-1, 1549A-2, 1549A-3 and 1549A-4, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed.

§ 2. That Section 1 of Chapter 7 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1912, which Section is designated as Section 1550-1, Kentucky Statutes, Carroll's 1930 Edition, which Section is in words and figures as follows, to-wit:

"Hereafter all candidates for elective offices to be voted for at any general election shall be nominated:

1. By a primary election held in accordance with the provisions of this act, or

2. By certificates of nomination signed and filed as herein provided.

The provisions of this act shall not apply to candidates for trustees of Common Schools or members of School Boards where such nomination and election are required by law to be made by a separate ballot nor to trustees in towns of the fifth and sixth classes nor to candidates for Presidential Electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter, provided by law. This act shall not be construed to repeal or affect in any way an Act entitled, "An Act to amend an Act entitled, 'An Act for the Government of Cities of the second class in the Commonwealth of Kentucky,' " approved March 21, 1910, Chapter 50, Acts 1910."

Be and the same is hereby re-enacted.

§ 3. The purpose and intent of this Act is to bar the governing authorities of any political party from requiring candidates for any elective office to be nominated in a Convention, and to require all of said candidates for said elective offices to be nominated in a Primary Election, with the exception of those candidates exempted by Subsection 2 of Section 1 of Chapter 7 of the Act of 1912 above quoted.

§ 4. That all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

By Senator Allie W. Young.

S. B. 144. An Act providing for the creation of an educational commission, prescribing its powers and duties and duties of persons in connection with it, and fixing penalties for failure to perform same, and declaring an emergency.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Kentucky Educational Commission shall consist of the Superintendent of Public Instruction and eight appointed members. The Governor of this Commonwealth is authorized to appoint these members, not more than half of whom shall be persons actively engaged in educational work.

§ 2. It shall be the duty of this Commission to direct a study of public education in Kentucky and report its findings to the Governor and the General Assembly of this Commonwealth at the opening of its next regular session, with recommendations of such measures and such revision of our school code as may be found necessary for increasing the efficiency

and equalizing the benefits of public education throughout the Commonwealth.

§ 3. The Superintendent of Public Instruction shall be the chairman of the Commission, and it shall on his nomination and recommendation appoint such assistants and incur such expenses as may be necessary; and the Superintendent of Public Instruction shall pay all the expenses of the Commission and its assistants from any funds that may become available for such purpose.

§ 4. The members of the Commission shall receive no pay for their services, but be reimbursed for expenses authorized by the Commission and actually incurred in the discharge of duties imposed by this Act. The evidence of such expenses to be submitted as provided in section 359a-1, Kentucky Statutes.

§ 5. The Commission and the persons working under its direction shall be accorded free access to all public records. Any person who wilfully withholds public records or information within his possession or obstructs the work of the Commission in any way shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred ($100.00) dollars.

§ 6. Because of the urgent need of a general revision of the common school laws of Kentucky and a reorganization of the State's program of public education, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval.

By Senator Humphreys.

S. B. 145. An Act to amend, an act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of Dentistry in the State of Kentucky. Passed March 1912.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

CONTINUANCE OF BOARD AND MANNER OF APPOINTMENT

§ 1. That the Kentucky State Board of Dental Examiners heretofore created be continued, to consist of five practicing dentists, whose duty it shall be to carry out the purposes and enforce the provisions of this Act as hereafter specified. The members of said Board shall be appointed by the Governor from a list of three names, to be recommended by the Kentucky State Dental Association, at its annual meeting, and at the time of their appointment upon said board must have been actual residents and legally licensed practicing dentists of this State for a period of five years or more immediately preceding their appointment: Provided, however, That no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning or dental supply business. The term for which the members of said board shall hold office shall be five years, provided the present members of the board in office at the time of the passage of this act shall continue in office until their respective terms have expired and until their successors are appointed and qualified. All vacancies in said board shall be filled by the Governor from said list.

OFFICERS, MEETINGS, RECORDS, ETC.

§ 2. Said Board of Dental Examiners shall choose one of its members President, and one Secretary-Treasurer, thereof, at an annual meeting on the first Tuesday in June of each year. Said board may meet oftener if necessary in the discretion of the board at such places as it may deem proper, for the examination of applicants who desire to practice dentistry in this State, and for the transaction of any other busi-

ness that may come before it. Said board shall keep a record book in which shall be registered the names, addresses, license numbers, of all persons legally entitled to practice dentistry in this State. A majority of the members of said board shall at all times constitute a quorum for the transaction of business, and the proceedings of said board shall be recorded in a minute book open at all reasonable times to public inspection. The Secretary-Treasurer shall execute to the said board bond with approved security for the faithful performance of his duties.

LICENSES AND REGISTRATION AND HOW GRANTED

§ 3. No person shall practice dentistry in this State or attempt to do so after the passage of this Act without first applying for and obtaining a license for such purpose from the said Kentucky State Board of Dental Examiners, and registering such license as herein provided, and this provision applies to all persons whether they have heretofore practiced dentistry or not in this State, except such persons as have been heretofore licensed and registered. Application shall be made to the said board in writing for license and shall in every instance be accompanied by the examination fee of Forty Dollars, which sum is authorized to be charged for each examination by said board. The applicant must be of good moral character, at least twenty-one years of age at the time of making the application, and the application of each person seeking a license must be accompanied by satisfactory evidence to said board that the applicant so applying is a graduate of and has a diploma from the faculty of a reputable dental college, school, or dental department of a reputable university, rated as A or B by the Dental Educational Council of America and should the Dental Educational Council of America cease to exist the board of examiners shall rate dental colleges, dental schools, or dental departments of a university. Examinations must be clinical and written and of such a character as to satisfactorily test the qualifications of the applicant to practice dentistry, and the board may, in its discretion, refuse to grant license to any person they find guilty of cheating, deception, or fraud during such examina-

tion. Examination papers and clinical examination results where possible shall be retained by the secretary of the board for a period of 5 years.

REGISTERING LICENSE WITH COUNTY CLERK

§ 4. Every person licensed to practice dentistry in this State by the said Kentucky State Board of Dental Examiners, as herein provided shall, before beginning the practice of dentistry, cause said license to be registered with the county clerk of each county in which such person desires to engage in the practice of dentistry by appearing before such clerk and filing his affidavit, showing that he has been examined and licensed as herein provided, and the county clerk of each county before whom such persons appear shall attest the filing of the license certificate in duplicate on blanks furnished to the licensee by the board, one copy to be retained by the licensee and the other copy to be forwarded to the secretary of the board by the licensee, and the county clerk of each county is authorized to receive a registration fee of fifty cents for each registration.

DISPLAY OF LICENSE AND CERTIFICATE OF REGISTRATION

§ 5. The license to practice dentistry herein provided, and the certificate of registration, together with the annual renewal certificate shall at all times be displayed in a conspicuous place in his or her office wherein he or she shall practice the profession of dentistry, and if there are more dentist than one practicing or employed, in any dental office, the proprietor of such office shall post and display or cause to be posted or displayed in like manner the name, license, and registration certificate of each dentist so practicing and so employed therein. Any person practicing dentistry within the meaning of this act, who shall fail to so post and display or cause to be posted or displayed, the name, license, and registration certificate of himself and any person practicing or employed to practice as a dentist in his or her dental office, shall be guilty of a misdemeanor, and upon conviction thereof they shall be subject to a fine of not less than twenty-five

dollars nor more than ($50.00) fifty dollars for the first offense, and for every subsequent offense he or she shall be subjected to a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment for a period of not less than sixty days, or by both such fine and imprisonment, and he or she shall, whenever requested, exhibit such license to members of the Board of Dental Examiners or its authorized agent.

REVOCATION OF LICENSE

§ 6. The State Board of Dental Examiners may refuse to issue licenses or may suspend or revoke the same for any of the following causes:

1. The presentation to the board of any diploma, license or certificate illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or an unrecognized or irregular institution or state board, or the practice of any fraud or deception. Any person who shall assist any applicant to cheat or deceive the examining board or any member thereof or who shall give or attempt to give assistance to any applicant in the course of his or her examination or assist any applicant to fraudulently obtain any license to which said applicant is not entitled shall upon conviction thereof be adjudged guilty of a misdemeanor.

2. The commission of a criminal operation or conviction of a felony involving moral turpitude, or chronic or persistent inebriety or addiction to drugs, or if the person holding such license shall advertise to practice dentistry without causing pain, or shall in any other manner advertise with a view of deceiving or defrauding the public, or advertise to use any drug, nostrum, patent or other proprietary drug or medicine be guilty of any conduct likely to deceive or defraud the public, or which disqualifies the applicant to practice with safety to the people, or who employs directly or indirectly any unregistered or unlicensed person to practice dentistry in his or her office, or be guilty of splitting a professional fee. In all proceedings for a suspension or revocation of license, the

holder thereof shall be given thirty days' notice to prepare for a hearing, and he shall be heard in person or by counsel or by both. The President and Secretary of the State Board of Dental Examiners shall have the power to administer oaths, in the hearing of all matters arising in the course of their duties, and in such trials as are herein referred to the State Board of Dental Examiners may take oral or written proof for or against the complainant, as it may deem will best present the facts. The Board of Dental Examiners shall have the right and power to issue subpoenas and thereby compel the attendance of persons before it for the purpose of examination into any facts or conditions which may be properly pending before said board for its action. In all of refusal to issue license, suspension or revocation, the applicant or holder may appeal to the Governor of the State within thirty days after such action by the State Board of Dental Examiners.

3. It shall be unlawful for a Dentist to employ letters, handbills, posters, circulars, cards, steropticon slides, motion pictures, telephone, radio, newspapers, or any kind of printed or written publications, or any other device, or means or signs, to advertise to the public with the intent to solicit or entice patronage: provided it shall be lawful for him or her to use a sign or an announcement card for the necessary identification of the location of his or her office, upon which shall only appear his name and the word dentist, D. D. S. or doctor, and his or her address.

Failure to Register License

§ 7. Any failure, neglect or refusal on the part of any person obtaining a license to practice dentistry from the State Board of Dental Examiners, to register said license with the county clerk of some county in this State within ninety days from the date of the issual of such license, on removal to another county within the State, to cause his license to be registered in the same manner as above provided, shall work a forfeiture of such license, and no license when once forfeited shall be restored except upon payment to the said board of

the sum of twenty-five dollars for such neglect, failure, or refusal to register such license.

EXAMINATION FEES AND COMPENSATION TO MEMBERS OF THE BOARD

§ 8. In order to provide the means for carrying out and enforcing the provisions of this Act, the said board shall charge each person applying for an examination for a license to practice dentistry in this State an examination fee of Forty Dollars, and in addition thereto, a fee of Five Dollars for every license and Five Dollars for every duplicate license issued by said board, and out of the funds coming into possession of the said board under the provisions of this Act, the members of said board shall each receive as compensation the sum of Five Dollars for each day actually engaged in duties of the office, and all necessary expenses incurred in attending the meetings of said board; provided that the Secretary of the board shall be allowed a reasonable salary to be fixed by the board and no per diem: all expenses shall be paid from the fees and penalties received and recovered by the board under the provisions of this Act; provided that no part of said expenses shall be paid out of the State Treasury. All money received in excess of said per diem allowances and other expenses, herein provided, shall be held by the Secretary-Treasurer of said board as a special fund for meeting the other expenses of said board, and for such use as the said board may deem necessary in the enforcement of this Act, and said board shall make an annual report of its proceedings to the Governor on or before the 31st day of December each year, showing all money received and disbursed by it pursuant to this Act.

RENEWAL CERTIFICATES OF LICENSE

§ 9. On or before the 31st day of December each year, every dentist legally licensed to practice dentistry in this State shall transmit to the Secretary of the said Board of Dental Examiners his signature and address, together with the fee of Three Dollars and the number of his or her regis-

tration certificate, and receive therefore a renewal license certificate. Provided that the license shall not be renewed, if the holder thereof has not been in active practice for five years immediately preceding. Any license granted by said board shall be cancelled and annulled if the holder thereof fails to secure the renewal certificate herein provided for by March 1st of each year, provided any license thus cancelled may be restored by the board upon the payment of fee of Twenty-Five Dollars if paid within one year after such cancellation.

Penalty for Fraud in Obtaining Certificate of Registration

§ 10. Any person filing or attempting to file as his own the diploma or license of another, or a forged affidavit of identification or qualification, shall be deemed guilty of a felony and be punished upon conviction by imprisonment in the penitentiary of not less than one nor more than five years.

Dentistry Defined

§ 11. Any person shall be regarded as practicing dentistry, within the meaning of this act, who shall diagnose or profess to diagnose, X-Ray, or treat or profess to treat, any of the diseases or lesions of the oral cavity, teeth, gums, maxillary bones (or their dependent tissues), or extract teeth, or shall prepare or fill cavities in human teeth, correct malposition of teeth or jaws or supply artificial teeth as substitutes for natural teeth, or administer anesthetics, general or local, or any other practice included in the curricula of recognized dental colleges, or who shall use the word "Dentist," Dental surgeon, the letters D. D. S., or other letters or titles in connection with his or her name or in any other manner represent themselves as being engaged in the practice of dentistry. Provided, that nothing in this Act shall be so construed as to prevent regularly licensed physicians and surgeons from extracting teeth or treating any diseases coming within the province of the practice of medicine.

EXEMPTION FROM JURY SERVICE

§ 12. All dentists of this State shall be exempt from service as jurors in any of the courts of this State.

SIGNATURES, SEAL, ETC., ON LICENSE

§ 13. All license issued by said board shall bear a serial number, the full name of the applicant, the date of the issue, the seal of the board, and be signed by a majority of the members and attested by its President and Secretary.

UNLAWFUL TO PRACTICE UNDER NAME OF A COMPANY

§ 14. It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under the name of any company, association, or corporation, and every person or persons practicing or offering to practice dentistry or dental surgery, shall practice under his or her own respective name or names only, and shall not use his name in connection with that of another dentist.

DENTAL RECIPROCITY

§ 15. Said board may in its discretion issue a license to practice dentistry without examination other than clinical to a legal and ethical practitioner of dentistry who removes to Kentucky from another State or territory of the United States, whose standard of requirement is equal of that of Kentucky, and in which he or she conducted a legal and ethical practice of dentistry for at least five years immediately preceding his or her removal, provided such applicant shall present a certificate from the dental board of a like board of the State or territory from which he or she removes, certifying that he or she is a legal, competent and ethical dentist, and of good moral character: and provided further, that such certificate is presented to the Kentucky State Board of Dental Examiners within six months from the date of its issue, and that the board of such other State or territory shall permit in like manner by law the recognition of licenses issued by the Kentucky State Board of Dental Examiners when pre-

sented to such other board by legal practitioners of dentistry from this State who may wish to remove to or practice in such other State or territory.

RECIPROCITY LEAVING STATE

§ 16. Any one who is a legal, ethical and competent practitioner of dentistry in the State of Kentucky, and of good moral character, and known to the Board of Dental Examiners as such, who shall desire to change his or her residence to another State or territory, or foreign country, shall upon application to the said Board of Dental Examiners of this State, receive a special certificate over the signature of the president and secretary of said board and bearing its seal, which shall attest the facts above mentioned in section 15 and give the data upon which he or she was registered and licensed.

RECIPROCITY FEES

§ 17. The fee for issuing a license to a legal practitioner from another State, as provided in section 15, shall be sixty dollars, and the fee for issuing a certificate to the legal practitioner in this State as provided in section 16, shall be five dollars, and in each case the fee shall be paid in cash before the license or certificate respectively shall be issued.

PENALTY FOR PRACTICING WITHOUT LICENSE OR CERTIFICATE

§ 18. Any person who shall practice or attempt to practice dentistry in this State without having been licensed and registered for that purpose, as herein provided, or who shall violate any of the provisions of this Act, for which no specific penalty has been provided herein, shall be subject to fine of not less than one hundred dollars nor more than five hundred dollars for the first offense. Each offense shall constitute a practicing of dentistry within the meaning of this Act, and each day that a person shall hold himself out as practicing dentistry within the meaning of this act, and each day that a person shall hold himself out as practicing in any name except his own shall be deemed a separate offense. Any person who

shall be guilty of a second offense shall be deemed guilty of a felony and upon conviction shall be punished by a fine of one hundred dollars nor more than five hundred dollars or imprisonment of six months or both. The opening of an office for the purpose of practicing dentistry, or to announce to the public in any way a readiness to do any act defined herein as being dentistry, shall be deemed to engage in the practice of dentistry, within the meaning of this act.

DISPOSITION OF FEES

§ 19. All fees, imposed and collected under the provisions of this Act, shall be paid to the Secretary-Treasurer of the Kentucky State Board of Dental Examiners for the use of said Board.

DRUGGISTS MAY FILL DENTISTS' PRESCRIPTIONS

§ 20. Legally licensed druggists of this State may fill prescriptions of legally licensed dentists of this State for any drug necessary to the practice of dentistry. Dentist may sign death certificates the same as physicians, when necessary in the line of their profession.

§ 21. This Act shall not prevent students from performing dental operations under the supervision of competent instructors within the dental school, college, or dental department of a university recognized by the Kentucky State Board of Dental Examiners: Provided, the board at its discretion may authorize the students of any dental college, dental school, or dental department of a university to practice dentistry, in any of the State or municipal institutions or public schools or under the board of health, or public clinic, or charitable institution; provided they are at all times under the direct supervision of a licensed dentist in Kentucky, who is an instructor of the institution at which the students are studying.

The provisions of this act are severable, and if any of its provisions shall be held unconstitutional the decisions of courts shall not affect or impair any of the remaining provisions of this act. It is hereby declared as a legislative intent

that this act would have been adopted had not such unconstitutional provision been included therein.

REPEALING FORMER DENTAL LAWS

§22. All laws or parts of laws in conflict with this Act are hereby repealed.

By Senator Rose.

S. B. 146. An Act repealing chapter 142 of the Acts of the General Assembly of 1930.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Whereas, Chapter 142 of the Acts of the General Assembly of 1930 is class legislation, useless extravagant and could be of no public service.

Whereas to practice simple justice and establish a supervisor over all the different professions of the State would be at great expense of money and no good to be accomplished, and

Whereas, in the practice of rigid economy we can best serve the taxpayers of the Commonwealth, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 142 of the Acts of the General Assembly of 1930, be and the same are hereby repealed.

By Senator Rose.

S. B. 147. An Act to repeal and re-enact Section 4224b-8 Supplement of Carroll's Statutes, 1922 edition the same being Section 2 of Chapter 127, Acts of the General Assembly of the

Commonwealth of Kentucky at its 1928 Session relating to revenue and taxation, imposing an excise or license tax on gasoline so as to provide for the distribution of 20% or one-fifth of such net revenue equally among the 120 counties of the Commonwealth for a County Road Fund.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 4224b 8 be repealed and re-enacted so that said section when repealed and re-enacted shall read and be in force as follows:

All taxes collected under the provisions of this Act shall be paid into the State Treasury, and shall be used only for the purpose of the construction, reconstruction, maintenance and repair of roads, highways and bridges, however the Auditor of Public Accounts shall deduct from the net revenue derived from the gasoline tax and penalties thereon 20% or one-fifth of the net amount received from the said gasoline tax and penalties and pay the same over to the State Treasurer and the amount shall be placed by the State Treasurer in a fund to be known as the County Gasoline Fund.

The Auditor of Public Accounts shall on the last day of each and every month draw his warrant upon the State Treasurer payable to the County Treasurer of each and every county of this Commonwealth for a sum equal to 1/120 of the amount in said fund on the last day of each month in every year and the State Treasurer shall pay said warrant from said County Gasoline Fund.

All funds received by the counties of this State and under this statute shall be used and spent under the direction of the County Judge and Fiscal Court or County Commissioners and

the said County Gasoline Fund shall be used only for the construction, reconstruction, maintenance and repair of roads, bridges and highways.

No part of the County Gasoline Fund shall be spent on any road or project now constructed or maintained as a part of the Primary Road System of this Commonwealth.

The County Judge and Fiscal Court or County Commissioners shall proportion such funds as may be received from the State Treasurer to the County Gasoline Fund as near equally as possible among the Magisterial Districts of the various counties of the Commonwealth in such a way that equal justice may be given to all the taxpayers. It is the intention of this Act that all sections of each and every county of this Commonwealth may receive equal benefits from the County Gasoline Fund.

By Senator Hamilton.

S. B. 148. An Act relating to charitable and correctional institutions and providing for the conveyance of sites on the ground or other real estate now held or hereafter acquired by or to the State Board of Charities and Corrections or any charitable or correctional institution of the Commonwealth, or now held or hereafter acquired by the Commonwealth of Kentucky for use of said Board or institutions, for building to be used in connection with said Board or institutions, providing for the erection of buildings thereon, providing for the leasing of such site and building to such Board or institutions at a rental which will amortize the cost of the erection of such buildings; and providing for the reacquisition of the title thereto by such Board.

To Committee on Charitable, Penal and Reformatory Institutions.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of providing buildings to be

used in connection with charitable and correctional institutions, the State Board of Charities and Corrections is hereby authorized and empowered to convey or be invested with a fee simple title with covenant of general warranty of title to a site for any building on the grounds or other real estate now held or hereafter acquired by said board or the charitable or correctional institutions of this Commonwealth, or now held or hereafter acquired by the Commonwealth of Kentucky for the use or benefit of said board or the charitable and correctional institutions of this Commonwealth to any person or corporation complying with the provisions of Sections 2 and 3 of this act.

§ 2. Every person or corporation to whom a building site for a building has been conveyed as provided for by Section 1 of this act shall immediately enter into a contract or contracts in writing with some person or persons, corporation or corporations approved by the State Board of Charities and Corrections, for the immediate erection on said site of a building with the necessary appurtenances, according to plans and specifications to be approved by the State Board of Charities and Corrections; said contract shall provide the time when said building shall be completed and contractor or contractors shall enter into a bond with the Commonwealth of Kentucky for the benefit of said board or the charitable and correctional institutions of this Commonwealth in the penal sum of not less than 25 per cent of the contract price for the completion of the work in the manner and within the time set out in the contract.

§ 3. Immediately upon the execution of said contract provided for in Section 2 of this act, the person or corporation to whom such site has been conveyed shall immediately execute, acknowledge and deliver to the State Board of Charities and Corrections a lease, leasing the said site, together with the building to be erected thereon, for a term of one year from the time said building shall be completed and ready for occupancy, with the right and option in such lessee to extend the term of said lease for a term of one year from the expiration of the original term of said lease and for one year from

the expiration of each extended term of said lease, until the original term of said lease shall have been extended for a total number of years to be agreed upon by the parties thereto at a rental which, if paid for the original term and for each of the full number of years for which the term of said lease may be extended, will amortize the total cost of the erection of said building and appurtenances, which rental shall be paid at such times as the parties to said lease may agree upon. Said lease shall further provide that the lessee shall have the right and option at the expiration of the original or any extended term thereof, to purchase said leased premises at a price which shall be stated therein, and which shall be the balance of the total cost of the erection of said building and appurtenances not amortized by the payments of rent theretofore made by the lessee, the same to be paid at such times as the parties to said lease may agree; and shall contain a further provision that in the event of the exercise of said option to purchase said leased premises or in the event said lease shall have been extended for the full number of years which it is agreed the same may be extended, and all rents and payments provided for in said lease have been made, the lessor shall thereupon convey said premises to the lessee in fee simple with covenant of general warranty of title. Said lease may provide that the lessee shall, as additional rent for said leased premises, pay all taxes assessed against said leased premises, and the cost of insuring the building erected thereon against loss or damage by fire and wind storm in such sum as may be agreed by the parties thereto.

By Senator Hamilton.

S. B. 149. An Act relating to chiropractic, amending and re-enacting Section 8 of Chapter 123 of Acts of the General Assembly of 1928.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 8 of Chapter 123 of the Sessions Acts of the General Assembly of 1928, same relating to Chiropractic, be and the same is amended, and as so amended said section of said chapter shall read and be as follows, to-wit:

Section 8. All license heretofore or hereafter issued to persons to practice Chiropractic in the Commonwealth of Kentucky shall pay to this Board an annual renewal fee of $3.00 on or before the first day of January of each year after this law becomes effective, and any person engaging in the practice who having held license shall upon failure to renew same as is herein provided, be punished as in the manner provided by Section 13 of this Act. The Secretary of the Board shall, not later than November 1st of each year, mail to all licensed chiropractors in this Commonwealth a notice to the effect that the said renewal fee is due on or before the first day of the succeeding January. All renewal certificates shall be signed by the Secretary, under the seal of the Board. All licensees shall file their license with the County Court Clerk of the county in which such licensee resides, before engaging in practice, and the clerk shall record same in a book kept in his office.

§ 2. All laws in conflict with this amendment are hereby repealed.

By Senator Hamilton.

S. B. 150. An Act to amend and re-enact Section 2237 of the 1922 Carroll's Edition of the Kentucky Statutes, being part of Chapter 73 of the Kentucky Statutes relating to jailers.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2237 of the 1922 Carroll's Edition of the

Kentucky Statutes be and the same is hereby amended by inserting between the word "deputy" and the word "and," in the first sentence of said section the following words: "and as many guards as may be necessary"; and by inserting after the word "deputy," at the end of said sentence the following words: "and such guards"; and by inserting between the word "and" and the word "shall," in the second sentence the words "said deputy and said guards"; and by adding at the end of said section the words "the jailer, said deputy and said guards shall have the same right to carry concealed weapons, as is now given by law to sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties," so that said section, when amended, shall read as follows:

"Any jailer may, by and with the approval of the county court, appoint one deputy and as many guards as may be necessary, and shall be liable on his official bond for the conduct of such deputy and such guards. The deputy shall have all the powers of the jailer, and said deputy and said guards shall be subject to the same penalties, and may be removed at any time by the jailer. The jailer, said deputy and said guards shall have the same right to carry concealed weapons as is now given by law to sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties."

By Senator Stephenson.

S. B. 151. An Act relating to the safe development and operation of minerals; providing regulations for the location of oil and gas wells and the operation and abandonment of same through workable beds of coal; regulating coal mining operations within the vicinity of such wells; defining the respective duties of the owners and operators for said minerals and the State Department of Mines; prescribing full procedure for carrying into effect all the provisions and providing penalties for any violation of this Act; and repealing all laws or parts of laws in conflict herewith.

To Committee on Mines and Mining.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term "well" when used in this Act means a bore hole drilled or proposed to be drilled for the purpose of producing natural gas or petroleum, or through which natural gas or petroleum are being produced; the term "well operator" shall include any person or persons, firm, partnership, partnership association or corporation that proposes to or does locate, drill, operate or abandon any well as herein defined; the term "coal operator" shall include any person or persons, firm, partnership or partnership association or corporation that proposes to or does operate a coal mine; the term "department" or "Department of Mines" includes the duly constituted authorities under the laws of the Commonwealth of Kentucky having jurisdiction over coal mining operations; the term "plat" means a map, drawing or print showing the location of a well or wells as herein defined; the term "casing" means a string or strings of pipe commonly placed in wells drilled for natural gas and petroleum; the terms "oil" and "gas," when used in this Act, are synonyms for petroleum and natural gas respectively; the term "cement" means hydraulic cement properly mixed with water only; the term "workable bed" means a coal bed actually being operated commercially or which in the exercise of reasonable judgment the Department of Mines decides can commercially and that it is reasonably to be expected will within a reasonable period of time not exceeding ten (10) years be so operated and which, when operated, will require protection if wells are drilled through it.

§ 2. Before drilling a well on any tract known to be underlaid with coal bearing strata the well operator shall have a plat prepared showing the exact location of the well and shall forward by registered mail a copy of this plat to the

Department and at the same time copies to the record owner of such coal bearing strata unless same be under operation, in which event to each coal operator operating said beds of coal beneath said tract of land.

If no objections are made to the proposed location within five (5) days from receipt of the plat by the department and the coal operator, the well operator may proceed to drill at the location indicated, and the plat shall be filed and become a permanent record, subject to inspection at any time by an interested person. Any agent of the coal operator or a superintendent in actual charge of the mines may be considered as a coal operator, and any process agent or other agent or person in charge of the coal for him may be considered the owner for the purposes of mailing the required copy of plat.

§ 3. In case the drilling of a well at any such location will endanger the use, of present or future operation, of a workable coal bed, the owner or coal operator or operators affected may, within five (5) days from the receipt of said plat by him or them and the Department of Mines, file specific objections in writing to such proposed location with the department, and if such objection is so filed, the department shall notify the well operator of the character of the objections and shall fix a time and place for a hearing, not more than ten (10) days from the end of the said five (5) days period, at which such objections shall be considered.

At the hearing, the well operators and the coal operators or owners, or such of them as are present or represented, shall proceed to consider the objections and to agree upon either the location as made or may so change same as to satisfy all objections and meet the approval of the department and any new location thus selected and agreed upon shall be indicated on a plat in accordance with Section 2, which shall be filed and become a permanent record, whereupon the department shall issue to the well operator a drilling permit approving the new location and authorize the well operator to drill at said location. In case the coal operator and well operator, or, the

owner and well operator are unable to agree, then the department shall, in view of the purposes and intent of this Act and in compliance therewith, fix a location on said tract as near to the original location as possible and shall issue to the operator a permit to drill at the new location, if the well operator so desires.

If no such objections are filed within said period of five (5) days the department shall forthwith issue to the well operator a drilling permit approving the location and authorizing the well operator to proceed to drill at said location.

It shall be the duty of the department to keep a proper index of such plats and locations and accurate records of the proceedings in case of any conference or dispute. In any case, however, where the well operator is working under any agreement with or from the owner, or with or from the coal operator when under operation of the workable coal beds under such tract, which permits the well operator to select his own locations, the location as originally chosen above by the well operators shall become the authorized location and the department shall issue the proper permit for the drilling of the well, but the well operator must comply with all other requirements of this Act, including those covering the drilling of wells through coal beds and the plugging of wells which may be abandoned.

§ 4. A well penetrating one or more workable coal beds shall be drilled in such manner as will, if practically possible, exclude all oil, gas or gas pressure from the coal bed, except such as may be found in coal bed itself. Each string of casing run through a workable bed of coal shall be seated at least thirty (30) feet below said coal bed in twenty (20) feet of cement, mud, clay or such other non-porous material as will make an effective seal. In case a second workable coal bed is found less than thirty (30) feet below the first workable coal bed referred to above, the casing shall be seated and mudded off as above at least thirty (30) feet below the second bed and in case gas is found between these two beds, it shall

be treated as set forth in Section 5. After any such string of casing has been properly so seated, drilling may proceed forthwith.

§ 5. In the event that gas is found beneath a workable coal bed, before the hole has been reduced from the size it had at the coal bed, a packer shall be placed below the coal bed, and above the gas horizon, and the gas by this means diverted to the inside of the adjacent string of casing through perforations made in said string of casing and through it passed to the surface without contact with the coal bed. Should gas be found between two workable beds of coal, in a hole of the same diameter from bed to bed, two packers shall be placed with perforations in the casing between them, permitting the gas to pass inside the adjacent casing to the surface. In either of the cases herein specified, the strings of casing shall extend from their seats to the top of the well.

§ 6. In the event that a well becomes productive of natural gas or petroleum, all coal protecting strings of casing shall remain in place during the life of the well, and the top ends of all such strings shall be provided with casing heads, or such other suitable devices as will permit the free passage of gas and prevent filling the annular spaces outside such casing with dirt or debris.

§ 7. When a well is drilled through the horizon of a coal bed where the coal has been removed, the hole shall be drilled at least thirty (30) feet below the coal bed, of a size sufficient to permit the placing of a liner which shall start not less than twenty (20) feet beneath the horizon of the coal bed and extend not less than twenty feet above it. Within this liner, which may be welded to the casing to be used, shall be centrally placed the largest sized casing to be used in the well, and the space between the liner and the casing shall be filled with cement as they are lowered into the hole. Cement shall be placed in the bottom of the hole to a depth of twenty (20) feet to form a sealed seat for both liner and casing. Following the setting of the liner, drilling shall proceed in the manner

provided above. Should it be found necessary to drill through the horizon of two or more workable coal beds where the coal has been removed, the said liner shall be started not less than twenty (20) feet below the lowest such horizon penetrated and shall extend to a point not less than twenty (20) feet above the highest such horizon.

§ 8. Prior to the abandonment of any well, the well operator shall notify, by registered mail, the coal operator or operators or owners to whom notices are required to be given by Section 2 of this Act, and the Department of Mines, of the intention to plug and abandon any such well (using such form of notice as the department may provide), giving the number of the well and its location and fixing the time at which the work of plugging and filling will be commenced, which time shall not be less than five (5) days after the day on which such notice so mailed is received or in due course should be received by the Department of Mines, in order that a representative or representatives of the coal operator or owner and of the department, or any or all, may be present at the plugging and filling of the well. Whether such representatives appear or do not appear, the well operator may proceed at the time fixed to plug and fill the well in the manner hereinafter described. When said plugging and filling have been completed, an affidavit, in triplicate, shall be made (on a form to be furnished by the department) by two experienced men who participated in the work, in which affidavit shall be set forth the time when and the manner in which the well was plugged and made safe; one copy of this affidavit shall be retained by the well operator, another (or true copies of same) shall be mailed to the coal operator or operators or owners, and the third to the Department of Mines.

§ 9. Upon the abandonment of any well drilled through a workable coal bed, the well operator, at the time of such abandonment shall plug the well to a point forty (40) feet below the lowest workable coal bed in the following manner: The hole shall be filled with either mud, clay or non-porous material from the bottom to a point twenty (20) feet above

the top of the lowest oil, gas or water bearing strata; or a permanent bridge shall be anchored thirty (30) feet below its lowest oil, gas or water bearing strata, and from said bridge it shall be filled with mud, clay or other non-porous material to a point twenty (20) feet above said strata; at this point there shall be placed a plug of cement or other suitable material which will completely seal the hole. Between this sealing plug and a point twenty (20) feet above the next higher oil, gas or water bearing strata, the hole shall be treated in a like manner and at said point there shall be placed another suitable plug, which will completely seal the hole. In a like manner the hole shall be filled and plugged, or bridged, filled and plugged with reference to each of its oil, gas or water bearing strata. Whenever such strata are not widely separated and are free from water, they may be grouped and treated as a single productive strata. After plugging all strata as aforesaid, a final plug shall be anchored approximately ten (10) feet below the bottom of the largest casing in the well and from this point to the surface the well shall be filled with mud, clay or other non-porous material. In case any of the strata in the well shall have been shot, cavities which cannot readily be filled in the manner above described, the well operator shall follow either of the following methods: (a) Should the stratum which has been shot be the lowest one in the well, there shall be placed, at the nearest suitable point but not less than twenty (20) feet above the stratum, a plug of cement or other suitable material which will completely seal the hole. In the event, however, that the shooting has been done above one or more oil or gas bearing strata in the well, plugging in the manner specified shall be done at the nearest suitable point, but not less than twenty (20) feet below and above the stratum shot. (b) When such cavity shall be in the lowest oil or gas bearing stratum in the well, a liner shall be placed which shall extend from below the stratum to a suitable point, but not less than twenty (20) feet above the stratum in which the shooting has been done. In the event, however, that the shooting has been done above one or more oil or gas bearing strata in the well, the liner shall be so placed that it will extend not less than twenty (20) feet

above, nor less than twenty (20) feet below the stratum in which the shooting has been done. Following the placing of the liner in the manner here specified, it shall be compactly filled with cement, clay, or other non-porous sealing material.

When a well has been filled and securely plugged in the manner aforesaid to a point forty (40) feet below the lowest workable coal bed, and if in the judgment of the well operator, the coal operator and the Department of Mines, a permanent outlet to the surface is required, such outlet shall be provided in the following manner: A plug of cement or other suitable material shall be placed in the well at a suitable point, not less than (10) feet below the lowest workable coal bed. In this plug and passing through the center of it shall be securely fastened an open pipe, not less than two inches in diameter, which shall extend to the surface. At or above the surface the pipe shall be provided with a device which will permit the free passage of gas and prevent obstructing of same. Following the setting of the aforesaid plug and pipe, the hole shall be filled with cement to a point ten (10) feet above the lowest workable coal bed. In case there are additional overlying workable coal beds, they shall be treated similarly, if in the judgment of the well operator, the coal operator and the Department of Mines such treatment is necessary and in event the parties cannot agree, the decision of the Department of Mines shall control. If no outlet to the surface is considered necessary by them from any workable coal bed, the plugging, filling and cementing shall be as first above described.

§ 10. Before hereafter removing any coal or other material or driving any entry or passageway within five hundred (500) feet of any well, and also before hereafter extending the working in any coal mine beneath any tract of land on which wells are also drilled or within five hundred (500) feet of any well or under any tract of land in visible possession of a well operator or operators, any coal operator or operators shall forward, by registered mail, a copy of the parts of its maps and plans which it is required by law to prepare and file and bring to date from time to time, showing its mine work-

ings and projected mine workings beneath such tract of land and within five hundred feet of the outer boundaries thereof, simultaneously, to the well operator and the department, and following the filing of such parts of its said plans or maps as aforesaid, the coal operator may proceed with its mining operations in the manner and as projected on said plans or maps, but in case the conduct of its mining operations nearer than five hundred (500) feet to any completed well or well that is being drilled, or for the purpose of drilling which a derrick is being constructed, will endanger the use or drilling of such well, the well owner or operator affected may within five days (5) days from receipt of said plat by him or them and the Department of Mines, file specific objections in writing to the mining operations within less than five hundred (500) feet of such well, and if such objection is so filed, the department shall notify the coal operator of the character of the objections and shall fix a time and place for a hearing not more than ten (10) days from the end of said five (5) days period, at which such objections shall be considered. At the hearing, the coal operators or owners and well operators or owners, or such of them as are present or represented, shall proceed to consider the objections and to agree upon the character and extent of operations to be conducted within less than five hundred (500) feet of such well so as to satisfy the objections raised and meet with the approval of the department, and in case the coal operator or owner and well operator or owner affected are unable to agree, then the department, after a full hearing, shall make a decision defining what coal, if any, is necessary to be left for the safe protection of the use and operation of such well. The decision shall be subject to appeal by either party as in this act provided. A complete record of all such hearings shall be kept by the department.

The coal operator shall, at least every six (6) months, bring such plans or maps, required by this section, to date, or file new plans and new maps complete to date.

§ 11. The department shall exercise supervision over the drilling, casing, plugging and filling of all wells drilled

through workable coal beds and of all mining operations in close proximity to any well and shall have such access to plans, maps and other records and to the properties of the operators as may be necessary or proper for this purpose. The department shall receive or file formal complaints, charging that drilling or mining operations are being conducted contrary to the provisions of this Act, or to the order of the department, and shall require formal hearings on such complaints. Immediately following such hearing, the department shall make its findings of fact and enter such order as in its judgment is just and right and necessary to secure the proper administration of this Act.

§ 12. The department may prescribe rules of procedure and for offering evidence in all matters brought before it and shall prepare and, on request, furnish to applicants copies of forms of notices and other forms that the department may require to be used and prescribe the manner of serving the same. Any matter in controversy before the department shall, after hearing or hearings, of which all persons interested have had due notice and at which they have been given an opportunity to appear and be heard and to offer evidence and to make argument by counsel if desired, be decided by the department as may seem to it to be just and reasonable and necessary or desirable for the proper enforcement of the provisions of this Act.

§ 13. (a) Any party in interest being dissatisfied with an order of the department may commence an action in the circuit court of the county wherein the subject-matter involved in the order, or the well, or workable coal bed, or part thereof, are located or may lie, or in any other court of competent jurisdiction against the department and other interested parties as defendants, to vacate or set aside, in whole or in part, any such order.

Said action shall be in equity and proceed with and tried as an equitable action and the courts shall have power to grant relief from any unlawful or unreasonable order of the depart-

ment, and shall render such judgment as to it may seem equitable and just.

From final orders and judgments in any such proceeding, an appeal shall lie to the Court of Appeals, to be taken in the same manner as appeals are prosecuted in equity cases.

(b) The pendency of such proceedings shall not of itself stay or suspend operation of the order of the department, but during the pendency of such proceedings the court in its discretion may stay or suspend, in whole or in part, the operation of the order of the department on such terms as it deems just and in accordance with practice of courts exercising equity jurisdiction.

Any party shall have the right to secure from the court in which the action is commenced or pending an order suspending or staying the operation of an order of the department pending said action by adequately securing the other parties against loss due to the delay in enforcement of the order, in case the order under review is not set aside, the security to take such form as shall be directed by the court granting the stay or suspension.

§ 14. Any person or persons, co-partnership, partnership association or corporation willfully violating the provisions of this Act which prescribes the manner of drilling and casing or plugging and filling any well, or which fixes the distance from wells within which mining operations shall not be conducted without the approval of the department, or violating the terms of any order of the department allowing mining operations within a lesser distance of any well than that prescribed by this Act, shall be guilty of a misdemeanor, and on conviction be punished by a fine not exceeding two hundred dollars, or imprisonment in jail for not exceeding twelve months or both, in the discretion of the court, and prosecutions under this section may be brought in the name of the Commonwealth of Kentucky in the circuit court of the county in which the violation of such provisions of the Act or terms of such order was committed.

§ 15. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

§ 16. All acts and parts of acts inconsistent with this act are hereby repealed.

By Senator William.

S. B. 152. An Act to repeal Chapter 13 of the Acts of the General Assembly of 1912, same being sections 4398a-1, 4398a-2, 4398a-3, 4398a-4, 4398a-5, Carroll's 1922 Edition Kentucky Statutes, relating to the inspection of school funds and authorizing the State Superintendent of Public Instruction to act as Special State Inspector and Examiner of all schools in cities, towns and counties receiving funds directly or indirectly from the State or said cities, towns or counties, and to amend and re-enact section 4623, Carroll's 1922 Edition Kentucky Statutes by adding thereto the following words, to-wit: "It shall be the duty of said State inspector once each year to inspect and examine into the fiscal management and conduct of the office of all school officials, whose duty it is to receive, handle or disburse the public school funds of the State or any city, town, county or taxing district, and to make a written report to the Governor and also to the Commonwealth's Attorney and County Attorney of the county or district where such inspection is made."

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 4398a-1, 4398a-2, 4398a-3, 4398a-4, and 4398a-5, Carroll's Kentucky Statutes, 1930 Edition, being Sections 41, 42, 43, 44, and 45, Chapter 24 of the Acts of the General Assembly of 1916 for the inspection of schools, be and the same is hereby repealed.

§ 2. That section 4623 Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended by adding thereto the following words, to-wit: "It shall be the duty of said state inspector once each year to inspect and examine into the fiscal management and conduct of the office of all school officials, whose duty it is to receive, handle or disburse the public school funds of the state or any city, town, county or taxing district, and to make a written report to the governor and also to the Commonwealth's Attorney and County Attorney of the county or district where such inspection is made. So that said section as amended shall read as follows, to-wit:

It shall be the duty of said inspector and examiner once in each year to fully and particularly examine into the management and condition of the Auditor's and Treasurer's and Superintendent of Public Instruction's office and as to whether the laws regulating the official duties of said Auditor and Treasurer and State Superintendent of Public Instruction are being fully complied with by them respectively, and all money received by them for the state is fully accounted for. He shall have authority to investigate and examine into the conduct of all other officers of the Commonwealth, including all county officers who are authorized to receive or collect or disburse any money due or going to the Commonwealth, or who has the management or control of any property belonging to the State, or in which the State is interested, touching his official conduct thereon, or who makes estimates or rolls or records which are used as a basis by any department of the State government in the disbursement of public funds. It shall be the duty of said State inspector and examiner once each year to inspect and examine into the fiscal management and conduct of the office of all school officials whose duty it is to receive, handle or disburse the public school funds of the State or any city, town, county or taxing district, and to make a written report to the governor, the State Superintendent of Public Instruction, the Commonwealth's Attorney and County Attorney of the county or district where such inspection is made; provided, nothing herein shall be construed as repealing that part of Section 4398a-1 of the 1930 Edition of Carroll's Kentucky Statutes, and being Section 41 of Chap-

ter 24 of the Acts of 1916, allowing and permitting the State Superintendent of Public Instruction the special salary of $1,500.00 per annum specified therein. The same is not intended to be disturbed by this Act.

All acts and parts of acts in conflict with this act are hereby repealed.

By Senator Holloway.

S. B. 153. An Act creating a Board of Censors of motion picture films, providing for the appointment of the members thereof by the Governor of the Commonwealth of Kentucky, fixing the terms and salaries of its members, providing for the payment of the expenses of such Board, fixing the fees to be charged by such Board, providing for the disposition of the funds collected, regulating the censorship and exhibition of motion pictures in Kentucky, prohibiting discrimination in favor of or against competing exhibitors having the same or similar accommodations and facilities in the exhibition thereof, and providing penalties for the violation of this Act.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created in the State of Kentucky a Board of Censors of motion picture films. Said Board shall be composed of two persons, who shall be appointed by the Governor of the Commonwealth of Kentucky, for three years, who shall constitute such Board. Upon the expiration of the term of each member so appointed, a successor shall be appointed in like manner, for a term of three (3) years.

§ 2. The said Board of Censors may organize by electing one of its members as President and the other as Secre-

tary thereof. Each member of the Board of Censors shall receive an annual salary of twelve hundred ($1,200.00) dollars per year. Such salary and expenses shall in no case exceed the fees paid to the said Board of Censors for examination and approval of motion picture films. Said Board of Censors shall have the right to rent suitable office rooms and to purchase sufficient equipment to properly carry out the provisions of this Act.

§ 3. Said Board shall appoint such other assistants, as may be necessary to carry on the work of said Board. All expenses incurred by said Board shall not exceed the fees paid to said Board of Censors for the examination and approval of motion picture films. All amounts collected by said Board shall be paid over to the Treasurer of Kentucky, and at the end of each month such fees so paid shall be credited to the general revenue fund. If the amounts collected by said Board, under the schedule of fee herein fixed, shall be insufficient to pay the salaries and expenses of said Board of Censors, said Board of Censors with the approval of the Governor, shall have the right at any time within its discretion, to increase the fees charged for censoring motion picture films, by not more than fifty (50) per cent, of the amount fixed herein. Said Board shall adopt reasonable rules and regulations to accomplish its work.

§ 4. It shall be the duty of the Board of Censors to examine and censor, as herein provided, all motion picture films to be publicly exhibited and displayed in the State of Kentucky, and when necessary, the Board of Censors may designate certain assistants, appointed by them, who under the direction and supervision of the Board may examine motion picture films. Such films shall be submitted to the Board and passed and approved by the Board, before they shall be delivered to the exhibitor for exhibition. The Board shall charge a fee of two ($2.00) dollars for each reel of films to be censored, which does not exceed one thousand (1,000) lineal feet, and the same sum for each fractional part thereof, and shall have the right to increase said charge upon the terms herein stated.

§ 5. Only such films as are in the judgment and discretion of the Board of Censors of a moral, educational, amusing and harmless character shall be passed and approved by such Board. When a film has been censored by the Board of Censors, a certificate showing the approval or rejection of such film shall be issued to the party submitting the film. When a film is passed and approved by the Board of Censors, such film shall be given an approval number, which shall be shown on the certificate issued by such Board of Censors to the party submitting the film. Such certificate shall also show the title of such film and all eliminations ordered from such film by the Board of Censors. For each film so approved there shall be issued by the Board of Censors an official leader or stamp of approval of not less than five (5) feet in length, bearing the words:

"Approved by the Kentucky Board of Censors" and the number assigned to such film on the certificate of approval. The Board of Censors shall be authorized to recall any film for recensoring, or to revoke any certificate permitting the exhibition of any film in the State of Kentucky, whenever in the judgment of such Board, the public welfare requires it. Before any motion picture film shall be publicly exhibited, all eliminations ordered by the Board shall be made by the person or persons loaning, renting or leasing said film or films to the exhibitor for exhibition, and there shall be projected upon the film the designation of the official leader or stamp of approval, not less than three (3) feet in length, issued by the Board for such film.

§ 6. The Board of Censors may work in conjunction with any Censor Board or Boards of legal status of other States as a Censor Congress, and the action of such congress in approving or rejecting films, when approved by said Board, shall be considered as the action of the Board, and all films passed, approved, stamped and numbered by said congress, and approved by said Board, when the fees therefor have been paid to the Kentucky Board, shall be considered approved by said Board.

§ 7. After this Act shall take effect, no films may be publicly shown or exhibited within the State of Kentucky, unless they have been passed and approved by the Board, or by the Censor Congress and approved by said Board, and stamped and numbered by said Board, and stamped and numbered by said Board of Congress, as provided for herein.

§ 8. Any person, firm or corporation, who shall publicly exhibit or show any motion picture within the State of Kentucky, unless it shall have been passed and approved by the Kentucky Board of Censors, shall, upon conviction, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for the first offense, and shall be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for each separate offense. Any person, firm or corporation acting as a distributor of motion picture films, who shall loan, rent, lease or deliver any film or films to any exhibitor or other person for public exhibition within the State of Kentucky, before such film or films shall have been passed or approved by the Kentucky Board of Censors, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and shall be fined not less than five hundred ($500.00) dollars nor more than one thousand ($1,000.00) dollars for each subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films, who shall loan, rent, lease or deliver any film or films to any exhibitor or other person for public exhibition in the State of Kentucky before eliminations ordered by the Kentucky Board of Censors have been made, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and not less than five hundred ($500.00) dollars nor more than one thousand ($1,000) dollars for each subsequent offense. Any person, firm or corporation, who shall publicly exhibit or show any motion picture film within the State of Kentucky without having first projected upon the screen the design of the official leader or stamp of approval of not less than three (3) feet in length, assigned to such film as shown on the certificate

issued by the Board of Censors, shall, upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for each offense. Any person, firm or corporation acting as a distributor of motion picture films, who shall deliver to any exhibitor or other person for public exhibition within the State of Kentucky, any motion picture film, to which is not attached or which is not accompanied by the leader of approval of not less than three (3) feet in length, assigned to such film as shown on the certificate issued by the Board of Censors, shall, upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for each offense. Any person, firm or corporation, who shall publicly exhibit or show within the State of Kentucky any motion picture, that contains parts or sections that have been ordered eliminated by the Kentucky Board of Censors, or that contains any part or parts, which have been added to the motion picture after the same has been censored and approved by the Kentucky Board of Censors, shall, upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for the first offense, and shall be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for each subsequent offense. Any person, firm or corporation, who is a distributor of motion picture films, who shall loan, rent, lease or deliver any film or films to any exhibitor or other person for public exhibition within the State of Kentucky, which film or films contain parts or sections, that have been ordered eliminated by the Kentucky Board of Censors, or shall contain any part or parts, that have been added after the original film or films have been censored and approved by the Kentucky Board of Censors, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and shall be fined not less than five hundred ($500.00) dollars nor more than one thousand ($1,000.00) dollars for each subsequent offense. Any person, firm or corporation, who shall publicly exhibit or show within the State of Kentucky any motion picture film, when the certificate permitting

the exhibition thereof has been revoked, under the provisions hereof, shall, upon conviction thereof, be fined not less than twenty-five ($25.00) dollars nor more than three hundred ($300.00) dollars for the first offense, and not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for each subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films, who shall loan, rent, lease or deliver to any exhibitor or other person for public exhibition within the State of Kentucky any motion picture film, when the certificate permitting the exhibition thereof has been revoked, under the provisions of this Act, shall, upon conviction thereof, be fined not less than three hundred ($300.00) dollars nor more than five hundred ($500.00) dollars for the first offense, and not less than five hundred ($500.00) dollars nor more than one thousand ($1,000.00) dollars for each separate subsequent offense.

§ 9. Any person, firm or corporation, acting as a distributor of motion picture films, who shall discriminate in favor of or against competing exhibitors having the same or similar accommodations and facilities in granting the right of exhibition of any motion picture films submitted to, approved by and censored by the Kentucky Board of Censors, after same have been censored by said Board, shall, upon conviction thereof, be fined not less than one thousand ($1,000.00) dollars nor more than three thousand ($3,000.00) dollars for the first offense, and not less than two thousand ($2,000.00) dollars nor more than four thousand ($4,000.00) dollars for each separate subsequent offense, and such discrimination shall be ground for the revocation by said Board of the certificate, issued by said Board, and of the right to exhibit same in Kentucky under said permit, theretofore issued by it.

§ 10. The provisions of this Act are severable, and if any of its provisions or any penalty provided therein shall be held unconstitutional, such provisions or the particular penalty held to be invalid may be rejected without affecting the remainder of the Act, or such part of the penalties as are

not held to be invalid, and the decisions of the Courts shall not affect or impair the remaining provisions of this Act, or any of the other penalties in this Act provided. It is hereby declared as a legislative intent, that this Act would have been adopted had such unconstitutional provisions or such invalid penalties not been included therein.

§ 11. All laws or parts of laws in conflict therewith are hereby repealed, to the extent of such conflict.

§ 12. This Act shall take effect from and after its passage and approval by the Governor, as required by law.

Senator Humphreys moved that the privileges of the floor be extended to Senator O. H. Brooks of Mayfield.

Said request was granted.

Senator Moore moved that the privileges of the floor be extended to Miss Mary Shelby of Danville.

Said request was granted.

Senator McCormick, Sr., moved that the privileges of the floor be extended to Hon. J. A. Whitteker and Mr. Emerson Beauchamp.

Said request was granted.

Senator Ferguson moved that the privileges of the floor be extended to Herbert Carr of Fulton, Gen. W. L. Silbert of Bowling Green, Hon. Chas. R. Bell of Bowling Green and Joseph Hill of Frankfort.

Said request was granted.

Senator Pogue moved that the privileges of the floor be extended to Mr. Ed. Cook of Crittenden County.

Said request was granted.

Senator Rose moved that the privileges of the floor be extended to Mr. J. Howard Payne.

Said request was granted.

Senator Jacobs moved that the privileges of the floor be extended to Mr. George C. Meyer of Carlisle.

Said request was granted.

Senator Naive moved that the privileges of the floor be extended to Mr. George Hickey and Mr. Goddard.

Said request was granted.

House Resolution No. 12, which under the rules, laid over one day, was called from the Clerk's desk.

On motion of Senator John S. W. Holloway that said resolution be adopted,

The question being taken thereon, it was decided in the affirmative.

For resolution see Journal of January 18th.

COMMITTEE REPORTS.

Senator Robert Humphreys of the Committee on Veterans' Legislation, to which had been referred a bill of the following title:

S. B. 9. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said Board.

Reported with the expression of opinion that same ought to pass.

Senator Pogue, of the Committee on Kentucky Statutes No. 2, to which had been referred a bill of the following title:

S. B. 32. An Act to amend Section 4421a-36 Carroll's Kentucky Statutes 1931, Baldwin Supplement edition, relating to organization of the State Textbook Commission by repealing and re-enacting said Section so that when repealed and re-enacted it shall read as follows.

Reported with expression of opinion that same ought to pass.

It was ordered that all of said bills be read the first time at length and placed on the calendar.

Senator Ryans moved that the Senate do now adjourn.

THURSDAY, JANUARY 21, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Reverend I. C. Wise of the First Presbyterian Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Perry B. Gaines	L. C. Littrell
W. W. Booles	Arch Hamilton	Frank I. Lloyd
Edwin C. Dawson	J. S. W. Holloway	Rev. C. D. McCaw
Dr. T. J. Edge	Robert Humphreys	C.T.McCormick,Sr.
Thos. C. Ferguson	Wm. Isaacs	Wm. Mehler
Walter N. Flippin	Silas Jacobs	E. C. Moore
Chas. G. Franklin	Alex E. Johnson	Ray B. Moss

D. C. Naive	Dr. Lewis Ryans	Sewell B. Williams
Marion F. Pogue	E. D. Stephenson	W. A. Yates
Dr. G. W. Ragan	Joe Stewart	Allie W. Young
O. M. Rogers	Thos. O. Turner	Gates F. Young
J. M. Rose	Fred C. VanHoose	
R. H. Royster	F. M. White	—37

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Ryans moved that when the Senate adjourn today, it meet Monday, January 25, at 1 P. M.

Senator Franklin moved that said motion be amended that when the Senate adjourn today, it adjourn to meet tomorrow, January 22, at 10:10 A. M.

The yeas and nays being demanded thereon by Senators Franklin and Holloway, resulted as follows, namely:

Those who voted in the affirmative were:

Chas. G. Franklin	L. C. Littrell	R. H. Royster
J. S. W. Holloway	Marion F. Pogue	—5

Those who voted in the negative were:

Jas. H. Bondurant	Alex E. Johnson	J. M. Rose
W. W. Booles	Frank I. Lloyd	Dr. Lewis Ryans
Edwin C. Dawson	Rev. C. D. McCaw	E. D. Stephenson
Dr. T. J. Edge	C.T.McCormick,Sr.	Fred C. VanHoose
Thos. C. Ferguson	Wm. Mehler	F. M. White
Walter N. Flippin	E. C. Moore	Sewell B. Williams
Perry B. Gaines	Ray B. Moss	W. A. Yates
Robert Humphreys	D. C. Naive	Gates F. Young
Wm. Isaacs	Dr. G. W. Ragan	
Silas Jacobs	O. M. Rogers	—28

Said amendment was disagreed to.

Senator Ryans moved that the vote by which said amendment was lost be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The question being taken on the motion of Senator Ryans to adjourn until 1 P. M. January 25, was decided in the affirmative.

Said motion was agreed to.

Senator Williams moved that the privileges of the floor be extended to Mrs. O. G. Gillum.

Said motion was agreed to.

Senator Yates moved that the privileges of the floor be extended to Mr. C. W. Drinkard of Murray, Ky.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Mr. W. E. Gray and Mr. Brannon of West Point.

Said motion was agreed to.

Senator White moved that the privileges of the floor be extended to Mr. John S. Webb of Thornton.

Said motion was agreed to.

Senator Humphries moved that the privileges of the floor be extended to Mr. J. F. Wilson of Mayfield, Ky.

Said motion was agreed to.

Senator McCormick moved that the privileges of the floor be extended to Mr. V. H. Hopsen.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

H. B. 20. An Act to provide for the more efficient and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred fifty thousand (250,000), and to reduce the number of magisterial districts therein, by amending and re-enacting Section 1079 of the Kentucky Statutes; to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants, defining their duties and requiring bonds therefrom, with surety; defining certain duties of constables and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places; fixing the filing fees, and providing for rules of practice in said courts and fixing penalties for the violation of said officers of their duties.

To Committee on Municipalities.

Said bill reads as follows:

WHEREAS, in counties containing a population in excess of two hundred fifty thousand (250,000) intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life, by reason of which the demands upon such courts in such counties are continuous, voluminous, and exacting, and by reason of which justices of the peace in such counties have become primarily judicial officers, as distinguished from the fiscal character of said officers elsewhere in this State, and by reason of which the existing system for the administration of justice within the jurisdiction of such courts is now wholly inadequate, now therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That this act shall be effective in each magisterial district in every county of this Commonwealth, which county contains a population in excess of two hundred fifty thousand (250,000); Provided, that the provisions hereof shall not begin to apply to the office of justice of the peace, or the office of constable, until the expiration of the term of office, in each instance, which is current and unexpired upon the effective date of this act. At the regular election for justices of the peace in 1933, such justice shall be elected for the districts hereinafter provided for.

§ 2. Within each of the said magisterial districts, all moneys received or collected as compensation, cost, expense, for, or otherwise resulting from, or on account of, the performance of the duties or the exercise of the powers incident to the offices of justice of the peace, constable, and deputy constable, shall become, upon receipt or collection, by or for any person hereafter holding any of said offices, a part of the general fund of the county.

§ 3. Each person hereafter elected or appointed to and thereafter holding the office of justice of the peace in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary, in the sum of four thousand ($4,000.00) dollars per annum, which shall be paid, in equal monthly installments, out of the general fund of the county; Provided, that no justice of the peace shall receive or be paid a salary exceeding three hundred thirty-three dollars and thirty-four cents ($333.34) during or for any month, or four thousand ($4,000.00) during or for any consecutive twelve (12) months.

§ 4. In each of the said magisterial districts the justice of the peace shall employ one clerical assistant to be known as the recorder, whose employment shall become effective upon the first Monday in January, 1934, and shall continue for the period during which the justice of the peace making

the appointment holds office, but not beyond the current term of office of said justice. Each justice of the peace may employ, not exceeding three clerical assistants known as deputy recorders. Each recorder shall be compensated for his services by salary in the sum of two hundred ($200.00) dollars per month, and each deputy recorder shall be compensated for his services by salary in the sum of one hundred ($100.00) dollars per month, which salaries shall be paid monthly, out of the general fund of the county. The said salaries shall be in lieu of all other compensation. The fiscal court or county commission of the county shall require bonds, with good and sufficient sureties, of recorders and deputy recorders, for the faithful performance of their duties. The employment of each recorder and each deputy recorder shall be noted of record by the justice of the peace by the entry of a suitable order upon the records of the court, and the employment of any recorder or deputy recorder may be terminated at any time, for cause, by order of record by the justice of the peace holding office within the district. Any of said employees shall be eligible to serve in any district within the purview of this Act.

§ 5. It shall be the duty of each recorder, after executing bond as required in section four (4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act, become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court, as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received, or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical services, under the direction of the justice of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the powers to administer oaths.

§ 6. Each justice of the peace, constable and deputy con-

stable shall daily deliver or cause to be delivered to the recorder for the district in which the said officers hold office all moneys received or collected by each of them by virtue of their respective offices, or the recorder may receive such moneys for the said officers, and in either event the recorder shall daily issue to the said officers receipts for moneys received from or for each of them, respectively. Each recorder shall keep such records of such daily transaction, in such manner and form, and showing such information, as the fiscal court of the county may require.

§ 7. Before the tenth day of each calendar month the recorder for each magisterial district shall prepare a sworn statement, which shall show the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of justice of the peace, constable, and deputy constable existing in the district. The statement shall be in the form, and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one or more copies of the said monthly statement to the fiscal court, or to such county officer or agent as the fiscal court may designate, and each recorder shall simultaneously deliver by certified check payable to the order of the county treasurer the total sum of money shown by the said statement to have been received by the recorder under the provisions of this Act during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this Act in a State or National Bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.

§ 8. Each recorder, or deputy recorder, and the sureties upon his bond shall be liable for the proper disposition of any money, property, or other thing of value coming into possession of said recorder, or deputy recorder, by reason of his

employment, and for the payment of all money received or collected by the recorder, or deputy recorder, for the general fund of the county to the county treasurer or proper county officer or agent, until the recorder, or deputy recorder, and the sureties upon his bond, are released and fully discharged from further liability by the fiscal court of the county, by order entered of record.

§ 9. Each person hereafter appointed and thereafter holding the office of constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-four hundred ($2,400.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, and each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of fifteen hundred ($1,500.00) dollars per annum which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any constable or deputy constable for any month exceed the amount paid the general fund of said county by the said constable or deputy constable, pursuant to Section 2 hereof, during the preceding month.

§ 10. In each county in which this act is effective the fiscal court thereof shall, by order entered of record, designate a place within each magisterial district within the county, at which designated place the justice of the peace of the said district shall hold all sessions of court and shall at all times there keep all records pertaining to his office. The place so designated in each magisterial district shall be located in or as closely adjacent to the county court house as is practicable, the purpose of this requirement being to effect as nearly as is possible a central location for the holding of sessions of courts of the justices of the peace within the same county. The justice of the peace, constable, deputy constables and recorders in each of the respective districts shall have a common office at the place so designated, and no justice of the peace,

constable, deputy constable, or recorder shall have, directly or indirectly, an office or other place within the district, or within the county, for the transaction of official business, nor shall either of them transact any official business elsewhere except as authorized by law. No attorney at law or other person shall, directly or indirectly, have or maintain an office at or in conjunction with the common office of the justice of the peace, constables and recorders. The expense of maintaining the various offices so established within the several magisterial districts of a county shall be paid in usual course, out of the general fund of the county, in such manner, and subject to such preliminary approval, as the fiscal court may require. Each of the said offices shall be originally equipped and shall thereafter be kept provided with necessary furniture, clerical and other equipment, record books, stationery, and supplies, which shall be paid for, in usual course, out of the general fund of the county, by authority of the fiscal court.

§ 11. The justices of the peace shall collect, upon each original civil action or proceeding commencing with original process in the courts conducted by them within the said magisterial districts, the sum of one ($1.00) dollar, which sum shall be collected when each action or proceeding is filed, and applied as a credit upon the costs accruing in the respective actions or proceedings, and upon receipt or collection shall become a part of the general fund of the county, and shall be reported and disposed of as provided in Sections 2 and 7 of this act.

§ 12. The justices of the peace of each of the counties in which this act is effective shall, immediately after the effective date of this act, meet and adopt appropriate and uniform rules of court, not inconsistent with the Civil and Criminal Codes of Practice, for the goverance of justices' courts within the said counties, and upon approval of a majority of the justices within the same county, each justice of the peace therein shall immediately cause an order to be entered upon the records of each justice's court held within the county, publishing the

said rules at length and adopting them as the rules of each of the said courts. The rules of court may be amended at any time by a majority of the justices of the peace holding office within the same county, at a joint meeting held for that purpose upon notice signed by one or more of said justices.

§ 13. If any recorder or deputy recorder shall make, or knowingly permit others to make a false entry in any books, ledgers or accounts which such recorder or deputy recorder is required by this act to keep, or shall fail to make any proper entry in such books, ledgers or records of accounts, with intent to cheat or defraud this Commonwealth, or the county, or any officer, person, or corporation; or, if any recorder or deputy recorder shall knowingly embezzle, or misapply, misappropriate, or withhold any money or property, or other thing of value belonging to the State or the county, or any money which is declared by this act to be a part of the general fund of the county, or which has come into his possession or control by reason of his employment; or, if any recorder or deputy recorder shall knowingly make, or participate in the making of any false statement or report, with such intent, such recorder or deputy recorder shall, upon conviction thereof, be deemed to be guilty of a felony and shall be confined in the penitentiary not less than two nor more than ten years.

§ 14. If any justice of the peace, constable, or deputy constable shall, directly or indirectly, cause, aid, abet, or connive in the making of a false entry in any official books or records, or shall directly or indirectly cause, aid, abet, or connive in the omission of any proper entry from any books or records, with intent to cheat or defraud this Commonwealth, or any county, or any officer, person, or corporation, either for the benefit of himself or another; or if any justice, constable, or deputy constable shall embezzle, or misapply, or misappropriate, or withhold any money or property, or other things of value belonging to any county, or any money which is declared by this act to be a part of the general fund of the county, or which has come into his possession or control officially, or if any justice, constable, or deputy constable shall

cause, counsel, aid, abet, encourage, or participate in the making of any false statement or report with such intent, such justice of the peace, constable, or deputy constable shall, upon conviction thereof, be deemed to be guilty of a felony and shall be confined in the penitentiary not less than two or more than ten (10) years, the office held by such person shall become vacant, and the judgment of conviction shall so recite, but such justice, constable, or deputy constable shall have the right to appeal to the Court of Appeals.

The crimes and penalties herein defined shall be cumulative and in addition to the crimes and penalties which apply to justices of the peace and constables, otherwise provided by law.

§ 15. That Section One Thousand Seventy-nine (1,079) of the Kentucky Statutes (Carroll's 1930 Edition) be and the same is hereby amended as follows, to-wit:

By striking out the words:

"Provided, That in the counties containing a city of hundred fifty thousand population or more there shall be established eight magisterial districts, four of which shall be laid off within the corporate limits of such city and four in that portion of the county outside the limits of such city:" and by substituting in lieu thereof the words:

"Provided, that in counties containing a population in excess of two hundred fifty thousand (250,000), there shall be established three magisterial districts which shall be laid off diverging from, as nearly as may be, the county court house of the county. The County Judge of such counties shall, in open court on the first Monday in August, one thousand nine hundred and thirty-two, appoint three competent citizens of such county or counties, over twenty-one years of age, and residing in different portions of the county, as commissioners to divide the county into three magisterial districts laid off as herein provided:"

so that said section, when amended and re-enacted shall read as follows:

"The County Judge of each county shall, in open court, on the first Monday in August, one thousand eight hundred and ninety-two, appoint three competent citizens of the county over twenty-one years of age, and residing in different portions of the county and in different justices' districts, as commissioners to divide the county into not less than three nor more than eight justices' districts, as nearly equal in territory and population as may be; Provided, that in counties containing a population in excess of 250,000 there shall be established three magisterial districts which shall be laid off diverging from, as nearly as may be, the county court house of the county. The County Judge of such counties shall, in open court on the first Monday in August, one thousand nine hundred and thirty-two, appoint three competent citizens of such county or counties, over twenty-one years of age, and residing in different portions of the county, as commissioners to divide the county into three magisterial district laid off as herein provided."

§ 16. If any section of this Act is held to be unconstitutional, such holding shall not affect the validity of any other section or clause of this Act, it being the intent of the General Assembly to enact each section of this Act separately and independent of all other sections.

§ 17. All Acts and parts of Acts in conflict with this Act are, to the extent of such conflict, hereby repealed.

H. B. 22. Bill to make June 3rd "Confederate Memorial Day" a Legal holiday.

To Committee on Library and Historical Records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the 3rd day of June of the year 1932 and the 3rd day

of June of each year thereafter is hereby declared a legal holiday, to be known as "Confederate Memorial Day," and the same shall be recognized, classed and treated as other legal holidays under the laws of this State.

H. B. 24. An Act to repeal and to re-enact Section 341 of Carroll's Kentucky Civil Code of Practice; so as to provide that no more than two new trials shall be granted upon the ground that the verdict is not sustained by the evidence.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 341 of Carroll's Kentucky Civil Code of Practice be repealed and the same re-enacted to read as follows:

"No more than two trials shall be granted to a party upon the ground that the verdict is not sustained by the evidence."

H. B. 36. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said Board.

To Committee on Veteran's Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Disabled Ex-Service Men's

Board, created by Act approved February 27, 1922, and re-created by Acts of the General Assembly approved March 21, 1924, February 24, 1926, February 16, 1928 and March 11, 1930, be continued in existence for an additional period of two (2) years for the purpose of assisting ex-service men and women of the World War and their dependents, and veterans of other wars and their dependents who are residents of Kentucky, and who are or may be entitled to aid from the United States Government pursuant to federal legislation for the benefit of veterans and their dependents, in preparing and presenting their said claims to the proper federal agencies and authorities and in securing and expediting action thereon; to relieve and prevent congestion and delay in the proper consideration, rating and final adjudication of said claims and to, as far as possible, cause every disabled veteran and the dependents of every disabled veteran to receive promptly and regularly the maximum relief and benefits to which they are entitled under the federal law.

§ 2. Said Kentucky Disabled Ex-Service Men's Board shall, during the time for which its existence is extended by Section 1 of this Act, be composed of three (3) members: One of whom shall be the Lieutenant-Governor of Kentucky, ex-officio, another of whom shall be the State Commander of the American Legion, Department of Kentucky, ex-officio, and the third member shall be elected annually by these two members. The members of the Board shall serve without salary or compensation, but they shall be paid their actual and necessary traveling expenses while in the discharge of their official duties.

§ 3. The words, "veterans" and "ex-service men and women," as used in this Act, include any individual who served on active duty in the army, navy or marine corps of the United States and who has received an honorable discharge from such service.

§ 4. Said Kentucky Disabled Ex-Service Men's Board shall elect a Secretary and such assistants as may be found

necessary whose duties shall be to prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Bureau and United States Bureau of Pensions, Veterans Administration and other federal agencies, and to secure and expedite action on said claims; to keep in contact with the United States Veterans Administration so that the status of any claims may be known at any time; to continue a survey of the State to make certain that no disabled man or his dependents are neglected, and to perform such other duties as the Board may direct. The secretary and such assistants as may be authorized shall be paid a salary fixed by the Board and shall be paid actual and necessary traveling expenses while engaged in the performance of duties as the Board may direct.

§ 5. For the purpose of carrying out the provisions of this Act, there is hereby appropriated out of State funds, not otherwise appropriated, to the Kentucky Disabled Ex-Service Men's Board, the sum of twenty thousand ($20,000.00) dollars per year for two (2) years. The Board shall keep an accurate and detailed account of all receipts and disbursements, and its books shall be subject to examination and audit by the State Inspector and Examiner. Any part of the fund unused at the expiration of the period for which the Board is created shall be turned back to the general State fund.

§ 6. The Kentucky Disabled Ex-Service Men's Board shall have the power to expend such reasonable sums as may be necessary to employ clerical and stenographic assistants, who shall be paid their actual and necessary traveling expenses while engaged in the performance of their duties and to establish and maintain offices.

§ 7. The Kentucky Disabled Ex-Service Men's Board shall cease to exist on July 1, 1934.

§ 8. All laws and parts of laws inconsistent herewith are hereby repealed.

§ 9. There being many thousands of disabled ex-service men who have not received the benefits of federal legislation to which they are entitled because of lack of knowledge of the federal law as amended and the United States Veterans Administration regulations and procedure, and other remedial causes, and it being considered that if this Board ceases to function, the disabled ex-service men will not receive the information, assistance, and benefits to which they are entitled, an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval as required by law.

A further message was received from the House of Representatives announcing that they had concurred in Senate Resolution No. 4 which reads as follows:

Resolution inviting Franklin D. Roosevelt, Ex-Governor Byrd of Virginia, Newton D. Baker and Ex-Governor Alfred E. Smith of New York to address the Joint Assembly.

Bills of the following titles were introduced, referred and ordered printed, as follows, namely:

By Senator Moss.

S. B. 154. An Act authorizing cities of the Fourth and Fifth Classes to provide insurance or maintenance for arresting officers, who may sustain injury, in discharge of official duty, which incapacitates such officer; and, support for widows and orphans of such officers who lose their lives in discharge of official duty, and provide funds and taxes therefor, and procedure for securing same and determining amounts to be paid; and for trials, and appeals concerning same.

To Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The governing authorities of municipal corporations

of the fourth and fifth classes of the Commonwealth are hereby empowered to annually levy a special tax, not exceeding five cents on the $100.00 of taxable property in the municipality, or appropriate from unappropriated general funds and other funds of the city; and, should said special levy be insufficient, to supplement same out of said unappropriated funds, out of which life and accident insurance may be paid on the police officer and or officers of the municipality; and, to take out and pay premiums on life and accident insurance on such police officers and arresting officers to secure them and their widows and orphan children under eighteen years of age, through payments to be made monthly against loss on account of injury, accident and, or, death of such arresting officer sustained and incurred while in the discharge of official duty.

§ 2. Should any such officer so sustain injury or be killed in the discharge of his official duty, at a time when not so insured by the city, on account of same, be or become incapacitated to earn a livelihood, or, leave widow or orphan child or children who are or become in destitute circumstances—that is, become in actual need of food, clothing, housing, funds to provide for books and education, in keeping with that station of life in which such officer lived, at the time of his death—then such municipal authorities are hereby empowered to, out of said funds above referred to, so provide for said officer, widow and orphan child or children who are unable to provide for themselves, under eighteen years of age, such necessaries of life, as, in the discretion of said governing authorities appear, from time to time to be necessary.

§ 3. This Act shall apply to widows and orphan children of persons whose husband and or father has so lost his life heretofore; and, to those who may after the passage of this act lose his life, as above set out.

§ 4. Any officer, widow, orphan child or children coming under the provisions of this Act are hereby authorized to make application, in writing to said governing authority at

any regular meeting thereof, for the assistance herein provided and accompany said application with affidavits of two reputable tax payers of the city, setting out the need that may exist. Thereupon said municipal officers shall assign said matter for hearing by them not later than ten days thereafter. At such hearing the City Attorney shall appear and defend on behalf of city. Evidence shall be heard as in trial of civil cases in Quarterly Courts. The finding of the governing authority shall be entered on the record books of the city and an appeal lie, within thirty days after entry and notice to the applicant of said entry, to the Circuit Court, on appeal, by any party thereto. Said action shall be filed and docketed by the clerk, without charge or tax. The case shall be heard by the Judge of the Court, without intervention of a jury, orally, and the evidence maybe preserved and appeal taken to the Court of Appeals, by transmitting the original pleadings and transcript of the evidence, thereto, and without payment of filing tax. Other legal cost of such proceedings shall be borne by the municipality.

§ 5. Said action shall be tried in the Circuit Court and in the Court of Appeals as an equitable action.

§ 6. Should it finally be determined that the municipality is required to provide funds for such officer, widow and or orphan child or children, the same shall begin to accrue as of the date of the making of application and in such amount as maybe finally determined not exceeding in any event the monthly salary paid to the officer at the time of the injury herein set out is sustained, and which sum may be in like manner changed from time to time as the conditions of the applicants may warrant. The governing authorities, in the event no fund is available by insurance or special tax, shall make payments monthly out of the general fund, as to officers of the city, until such fund is available. The said sums so determined, and become payable, from time to time are and shall be of equal dignity with officer's salaries and necessary governmental expenses and be paid monthly. No child over eighteen years of age nor widow, after remarriage, shall be entitled to the benefits herein provided.

§ 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 8. Whereas, during the present stringency, caused by the depression and unemployment, there are widows and orphans who come under the provisions of this Act and are in destitute circumstances, an emergency is hereby declared and this Act shall become effective from and after its passage and signature by the Governor or lapse of time provided by law in which same may be signed, should same be not vetoed, and immediately, should same be passed over veto.

§ 9. Should any part of this Act be held unconstitutional, and other provisions be left therein, which are workable, then only the portion so held unconstitutional shall become invalid.

By Senator Moss.

S. B. 155. An Act to repeal and re-enact chapter seventy of the Acts of one thousand nine hundred and thirty entitled, "An Act to assist disabled United Spanish War Veterans and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress, and creating for that purpose a voluntary Commission, and providing for its office expenses and salary of Secretary" and providing for taking care of other expenses and making appropriation for all of said purposes.

To Committee on Veteran's Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter Seventy of the Acts of One Thousand Nine Hundred and Thirty of the General Assembly be and the same is hereby repealed and re-enacted so that as re-enacted it will read as follows:

That there is hereby created a Commission, to be known

as the United Spanish War Veterans' Commission of Kentucky which shall be continued in existence for the period of two years after the passage and approval of this Act.

The purpose of the Commission, shall be to assist disabled Spanish War Veterans, their widows and dependents, who are residents of Kentucky, or who are members of any Camp of the United Spanish War Veterans of Kentucky, located in Kentucky, and to assist in preparing and presenting claims to the proper Federal agencies and authorities of all those Spanish War Veterans of Kentucky, their widows and dependents who are, or may be entitled to aid from the United States Government, by virtue of Federal Laws, now in existence, or that may hereafter be enacted for their benefit, and to secure action thereon.

§ 2. The United Spanish War Veterans' Commission of Kentucky shall, during the time for which its existence is continued by section 1 of this Act, be composed of three members, one of whom shall be the Department Commander of the United Spanish War Veterans, Department of Kentucky, during his term of office, and his successor in said office shall succeed him on the Commission, so that whoever is Department Commander of Kentucky, during his term of office, shall be the Chairman thereof; another member of the said Commission shall be the last Past Department Commander of Kentucky, to be succeeded as a member of the Commission, by his successor to the position of last Past Commander of Kentucky, so that whoever is known as the last Past Department Commander, during the existence of this Act, shall be a member of the Commission; and the third member of said Commission shall be the Senior Vice Department Commander, United Spanish War Veterans of Kentucky, during his term of office, and his successor in said office shall succeed him on the Commission, so that whoever is Senior Vice Department Commander of Kentucky during the existence of this Act, shall, during his term of office be a member of the said Commission.

§ 3. The words "Spanish War Veterans," shall include

any soldier who served in the Army, Navy, or Marine Corps of the United States during the war with Spain, the Philippine Insurrection, or the China Relief Expedition, between the date of April 21st, 1898, and July 4th, 1902, inclusive, and who has received an honorable discharge from such service.

§ 4. The Commission shall have authority to adopt its own rules and regulations governing the conduct of its affairs.

§ 5. The provisions of this Act shall apply only to Spanish War Veterans; as defined in section 3 of this Act, and their widows and dependents.

§ 6. The Commission shall elect a secretary, whose duty it shall be to prepare in proper form, present and prosecute claims of all Spanish War Veterans of Kentucky embraced in this Act, their widows and dependents, before the proper Federal authorities, and to secure and expedite action on said claims, making accurate and detailed account of all duties prescribed, or required of him by the Commission, the Secretary shall be paid a salary of One Thousand and Eight Hundred Dollars per annum and his actual and necessary traveling expense while engaged in the performance of his duties.

His tenure in office shall be subject to the will of the Commission.

§ 7. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the General Funds of the State Treasury, not otherwise appropriated, to the Commission, the sum of seventy-five hundred dollars per annum, or the period of two years. The Commission shall keep an accurate and detailed account of all receipts and disbursements, and its books shall be subjected to examination and audit by the State Inspector and Examiner, and all expense accounts shall, before payment, be approved by the Chairman of the Commission. Any part of the funds unused at the expiration of the period for which the Commission is created, shall be turned back to the General State Fund.

§ 8. The United Spanish War Veterans' Commission shall have the power to establish and maintain offices, to expend such reasonable sums as may be necessary to pay the office and traveling expenses of the Commission and the Secretary and any one who may be designated by the Commission to perform any duty which the Commission or Secretary may be required to perform, including necessary clerical and stenographic assistance. The Chairman shall designate the location of the office and the Headquarters of the Commission.

S. B. 156. An Act appropriating money out of the Treasury of Kentucky to be used and expended towards the improvement of "The Dr. Thomas Walker Memorial Park" in Knox County, Kentucky now the property of the Kentucky State Park Commission, in fencing said park, plant and setting out therein appropriate trees and shrubbery, setting up permanent corner stones and identifying markers and taking care of and walling in the perennially flowing spring in the park area and and otherwise beautifying said park.

To Committee on Appropriations.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ten thousand ($10,000.00) dollars be and the same is hereby appropriated out of any funds in the treasury of Kentucky not otherwise appropriated, to be used and expended, towards fencing the Dr. Thomas Walker Memorial Park, planting and setting out trees and appropriate shrubbery therein, setting up corner stones and other identifying markers in the park area, preserving and walling in for use as drinking water the perennially flowing spring in said land, and otherwise beautifying the Dr. Thomas Walker Memorial Park in Knox county, Kentucky, now the property of the Kentucky State Park Commission under deed conveying to said commission the fee simple title to said land bearing

date April 2, 1931, and which deed is of record in the Knox County Court Clerk's Office in Deed Book 71 on page 568. The expenditure of the money herein appropriated shall include the setting up permanent markers on and identifying the place in said park where Dr. Thomas Walker and his associates built the first house ever erected by the white man on Kentucky soil in April, 1750. The land composing the said park area is situated on waters of Cumberland river in Knox county, Kentucky, and specifically described as follows: Beginning on the south side of the road leading from Barbourville to the mouth of Indian creek at a small oak; thence S 71-15 E 723 feet to a stake near the edge of a swamp; thence N 81-30 E 450 feet crossing the swamp to a stake; thence N 9-30 E 392 feet to a stake in the Steve Detherage line; thence N 62 W 706 feet with the Steve Detherage line to a stake at the county road; thence S 22-30 W 200 feet with the county road to a stake; thence S 46-6 W 200 feet with the county road to a stake; thence S 55 W 100 feet with the county road to a stake; thence S 62-30 W 312 feet with the county road to the point of beginning, containing 12 and 16/100 acres.

§ 2. And be it further enacted that it shall be the duty of the Kentucky State Park Commission to maintain forever a State Park upon and within the land described in section One of this Act for the benefit and enjoyment of the people of Kentucky, and the Ten Thousand Dollars in this Act appropriated or a sufficiency thereof to meet the purposes hereinbefore set forth shall be paid out by the State Treasurer of Kentucky to the Kentucky State Park Commission upon warrants of the Auditor of Public Accounts of Kentucky, which warrants shall be drawn by said Auditor upon orders signed by the chairman or vice-chairman of the Kentucky State Park Commission and said money shall be used and expended by said Kentucky State Park Commission for the sole and only purposes set forth in Section One of this Act.

By Senator Moss.

S. B. 157. An Act prohibiting cattle from running or trespassing on State and national parks, encampment

grounds, scout camps, and grounds dedicated to religious, educational and recreational purposes, and providing penalties therefor.

To Committee for National Park.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The word "cattle" as used herein is defined by Section 456 of the Statute.

§ 2. Any person who shall permit any cattle to run or trespass upon any State and national parks, encampment grounds, scout camps, and grounds dedicated to religious, educational and recreational purposes in this State, shall be guilty of a misdemeanor and shall upon conviction be fined not less than $10.00 nor more than $100.00 for each offense, and each head of cattle running and trespassing upon such property shall be a separate offense.

§ 3. An emergency is declared to exist and this act shall become effective upon passage and approval by the Governor.

By Senator Moss.

S. B. 158. An Act extending authority of Notaries Public to take depositions and do other official acts in all counties of the Commonwealth.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any duly qualified Notary Public in Kentucky

shall, on and after the passage of this Act have right, power and authority to do any official act in any county of the Commonwealth in addition to that of his residence by filing with the Clerk of the County Court a certified copy of his bond executed in the county of his residence.

The Clerk of the County Court in which same is tendered, shall receive and file same and issue to the Notary a certificate showing that same has been filed and he is authorized to transact business in said county for which service the clerk shall be paid fifty (50) cents by said Notary at the time and place said certificate is so issued.

All Acts and parts of Acts in conflict herewith are hereby repealed.

An emergency is hereby declared to exist and this Act shall become effective on and after its passage and signature by the Governor or lapse of time for such signature, if not vetoed.

By Senator Pogue.

S. B. 159. An Act to add to the State Primary Highway System a road from State Primary Project No. —— in Livingston County to the Lyon County line in Crittenden County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a road leading from S. L. Shelby's in Livingston County, on State Highway Project No. ——, via Frances to Free Betty Bridge, on Livingston Creek, at the Lyon County line.

§ 2. That said road be designated State Primary Project No. ——.

By Senator Gaines.

S. B. 160. An Act to amend and re-enact Section 1599-a-8a, Sub-section 2 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1599a-8a, Sub-section 2 of the Kentucky Statutes, compiled by the Honorable John D. Carroll, be amended and re-enacted, so that said Section as amended and re-enacted shall read as follows :

Sec. 1599a-8a, Sub-section 2. At least one member of every firm and the manager of every corporation engaged in the business of undertaking shall be a duly licensed and registered undertaker; and where any individual, firm, or corporation shall establish and conduct branch establishments for undertaking, each and every such branch establishment shall be in charge of a duly registered and licensed undertaker at all times.

No assistant, nor member of such firm, nor member of such corporations shall engage in the care, preparation, disposal, or burial of dead human bodies, or in the management of funerals, or shall discharge any of the duties of an undertaker, unless he shall be a duly registered and licensed undertaker under the laws of this State, provided, however, that nothing herein shall be construed so as to prevent a non-licensed person from performing any of the acts herein in the presence of and under the immediate supervision of a licensed

undertaker, licensed and registered as such under the laws of this Commonwealth.

By Senator Pogue.

S. B. 161. An Act guaranteeing to all children in this Commonwealth school privilege for the legal term of school.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be the duty of the board of education of every common school district in this Commonwealth receiving revenue from public taxation to provide at least the minimum legal term of school for all pupil children residing within the geographic limits of such district. Such schools shall be maintained within reasonable walking distance of such pupils of elementary grade, or transportation shall be provided for them to such school or schools.

By Senator Rose.

S. B. 162. An Act to amend and re-enact Chapter 1, Section 37, of the Acts of 1930, requiring the Sheriff to make annually a report to the County Board of Education for license collected on dogs.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 1, section 37 of the Acts of the General

Assembly of 1930, be amended and re-enacted so that when so amended and re-enacted said section shall read as follows:

"The Sheriff of each county in this Commonwealth shall annually on or before February 1, of each year make annual report to the County Board of Education, and such annual report to the County Board of Education shall be made whether or not any funds be due the School Fund of any County. Such report shall show the amount collected and the amount expended, and any net amount due any County School funds. All money collected by the various sheriffs in this Commonwealth under the provisions of this act shall after deducting the amount paid out for loss, damages, compensation and other expenses necessary for the enforcement of this act, revert to the school fund of the county. And the same shall be paid for by the county so furnished out of the live stock fund. If there are no funds in this fund, they shall be paid for from the general fund of the county, and said general fund shall be reimbursed from the live stock fund when such fund has collected an amount equal to that advanced from the General Fund."

By Senator Rose.

S. B. 163. An Act to prohibit the employment of anyone for a wage paid wholly or in part by the taxpayers of Kentucky unless such employee be a naturalized citizen of the United States of America and providing a penalty for violation of the same.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, persons, firms, companies, corporations, associations or any official or officials of the State, county or incorporated cities of the Com-

monwealth of Kentucky to work and pay a salary or any wage to any person or persons, where in State, county, or municipal taxes pay in whole or part such salary or wage unless such person or persons be a naturalized citizen of the United States of America.

§ 2. Any person or persons, firms, companies, corporations or associations and any official or officials of the State, county or incorporated cities of the State of Kentucky who knowingly and willfully violate this statute shall be fined in any sum not to exceed five hundred ($500.00) dollars and each day such person or persons be thus employed for a salary or wage shall constitute a separate offense.

§ 3. All laws or parts of laws in conflict are hereby repealed.

By Senator Gates F. Young.

S. B. 164. An Act to amend and re-enact an Act known as Chapter 81 of the Acts of 1930 entitled, "An Act to amend and re-enact an Act known as Chapter 87 of the Acts of 1922, entitled 'An Act to amend sub-section C of Section 2, Chapter 90, page 415 of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles,' " and further regulating fees for passenger automobiles.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 81 of the Acts of 1930, entitled, "An Act to amend and re-enact an act known as Chapter 87 of the Acts of 1922, entitled, 'An act to amend subsection C of Section 2, Chapter 90, page 415 of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles,' " and further regulating fees for passenger auto-

mobiles be and the same is hereby amended so that same when amended and re-enacted shall read as follows:

Fees for Motorcycle—For each motorcycle registration fee shall be five dollars.

§ 2. Automobiles primarily designed for carrying passengers and having provisions for not more than seven passengers, including the operator, shall be classed as passenger automobiles, and the annual registration fee for same shall be twelve cents for each horsepower of the vehicle registered, to be calculated on the rating fixed by the Society of Automobile Engineers, plus twenty cents on each the one hundred pounds of said automobile.

§ 3. The weight of any motor vehicle shall be determined by a standard service bureau with the vehicle fully equipped, and it shall be the duty of the State Tax Commission to prepare or procure a book or pamphlet showing the horse power and weight of each make and type of car sold in this State, and furnish same to each county court clerk in the State. The weight of any automobile for which registration is applied, which is not shown in such book or pamphlet prepared by the State Tax Commission, shall be determined on a standard scale.

§ 4. The foregoing amendment shall not become effective until the second day of December, 1932.

By Senator Yates.

S. B. 165. An Act to establish as a part of the primary system of the Highways of the Commonwealth of Kentucky a road from Good Luck to the Monroe County line at or near Cyclone and authorizing the State Highway Commission of Kentucky to select and adopt the most direct and practical route between said points and repealing all acts in a conflict in the extent of such conflict.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a road from Good Luck in Metcalf County to the Monroe County line at or near Cyclone.

§ 2. The State Highway Commission of Kentucky is hereby authorized to select and adopt the most direct and practical route between the two points named in section one for the construction and maintenance of said road.

§ 3. The construction, maintenance, supervision and control of said road shall be subject to all of the terms and provisions set out and provided for in Chapter 17 in the Acts of the General Assembly 1920 as amended.

§ 4. All acts and parts of acts in conflict herewith to the extent of such conflict are hereby repealed.

By Senator Rose.

S. B. 166. An Act to repeal, amend and re-enact Sec. 4465A, Carroll's Edition Kentucky Statute and further providing the manner of election of trustees in graded school districts.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4465A Carroll's Edition Kentucky Statutes

be repealed, amended and re-enacted and to read and be as follows:

All school elections in graded school districts shall be on a separate sheet from all other ballots to be used in any election. In elections for board members in such graded school districts it shall be the duty of the county clerk of any county in which a graded school district is situated to cause to be printed on such graded school ballots the names of all candidates for membership on such board of education in whose behalf he shall be petitioned so to do, in writing by not less than ten (10) legal voters of such district. The petition must be filed in the office of the county clerk not more than sixty and not less than fifteen days prior to the day of election, and each petition shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled.

Such ballots shall be in the form prescribed for ballots by the general election laws of the Commonwealth, except that no party emblem or other emblem or distinguishing mark shall be placed upon such ballot save the word "school ticket" at the head thereof, and that the names of all candidates for membership on the board of education shall be printed on such ballot in a single column in the order the petitions are filed. As many additional lines shall be left blank as there are members to be elected. The board of education of the graded school district in office at the time of the election shall appoint the officers to hold all elections. The polls for this election shall open at eight o'clock a. m., and shall close at four o'clock p. m. These officers shall take an oath to be under the same responsibilities and subject to the same penalties as the officers holding the State or county elections, but they shall make returns of poll books and certify the results of elections to the board of education of such district, which shall examine and compare the same, and issue certificates to the persons found to be elected.

The general election law of the Commonwealth of Kentucky shall apply as to the duties of the county clerks and

election officers in the matter of printing and distributing ballots, of issuing them to voters, or receiving and depositing them in the ballot boxes and of counting and preserving them, and in other particulars except as provided herein, provided that it shall be the duty of the sheriff of each county in which a graded school district is situated to provide for each such graded school district a separate box for the reception of ballots used in graded school elections.

It shall be unlawful for an election officer or other person within the election booth to tell or indicate by word of mouth or otherwise, to a voter, what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor punishable by a fine not exceeding two hundred dollars ($200.00).

The entire expense of such an election shall be paid from the school fund of such graded school district.

Provided that at any election to be held in any graded school of the Commonwealth, and there be no opposition, nor opposing candidates. Then there shall be no election held in such graded school district, and no expense incurred for holding such an election. The County Court Clerk shall certify to the Board of Trustees of such graded school districts the name or names of such persons as filed in the regular manner and such person or persons shall be granted a certificate of election by the Board of Trustees of such graded school district.

By Senator Humphreys.

S. B. 167. An Act to establish as a part of the primary system of roads and highways of the Commonwealth of Kentucky, a road leading from State Highway No. 58 where the Mayfield and Kirksey Road intersects said highway in Graves County, Kentucky, and running thence to a point at or near Liberty Church; thence by way of Kirksey, Calloway County, Kentucky, to Murray, Calloway County, Kentucky, and designated as Project No. —.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky a road leading from State Highway No. 58 where the Mayfield and Kirksey Road intersects said highway in Graves County, Kentucky, and running thence to a point at or near Liberty Church, thence by way of Kirksey, Calloway County, Kentucky, to Murray, Calloway County, Kentucky, and designated as Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms and conditions set out and provided for in Chapter 17, Page 76, of the Acts of 1920, establishing and creating a primary system of State highways, and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relations to the primary system of State highways.

§ 3. All projects in conflict herewith are hereby repealed.

By Senator McCormick.

S. B. 168. An Act relating to the employment of stenographers for county attorneys in counties other than those containing cities of the first class.

To Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties of this Commonwealth, except

those containing cities of the first class, the county attorney in each of said counties is hereby authorized to employ or appoint a stenographer or clerk, said stenographer so appointed to serve at the pleasure of the county attorney making said appointment. Provided, however, that in no county shall any such stenographer be appointed or employed except upon authority of the fiscal court. In the event said appointment is authorized and made, the fiscal court of the county shall pay said stenographer from the county levy a salary in equal monthly installments not to exceed $1,200 per annum.

§ 2. Whereas, in many of the counties affected by this Act, the county attorneys of said counties are, due to lack of clerical and stenographic assistance, unable to perform many of the duties imposed upon them an emergency is declared to exist and this Act shall become and be a law upon its passage and approval by the Governor.

By Senator Moore.

S. B. 169. An Act repealing Sections 2007k-1, 2007k-2, 2007k-3, 2007k-4, 2007k-5, 2007k-6, 2007k-7, 2007k-8, 2007k-9, 2007k-10, of the Kentucky Statutes, Carroll's 1930 Edition, establishing the Kentucky Geological Survey, creating the office of Director and State Geologist, providing for his appointment by the Governor, prescribing his duties, fixing his salary, providing for the appointment of assistants and making appropriations therefor and for the Department.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 2007k-1, 2007k-2, 2007k-3, 2007k-4, 2007k-5, 2007k-6, 2007k-7, 2007k-8, 2007k-9, 2007k-10, Kentucky Statutes, Carroll's 1930 Edition, establishing the Kentucky

Geological Survey, creating the office of Director and State Geologist, providing for his appointment by the Governor, prescribing his duties, fixing his salary, providing for the appointment of his assistants, making appropriations therefor, and for the department, and all laws now in force relating to the Kentucky Geological Survey are hereby expressly repealed, and the office of Director and State Geologist is hereby abolished, and all appropriations pertaining thereto, or relating thereto in any way whatsoever, including salary of Director and State Geologist and assistants, are hereby expressly set aside and discontinued, and all funds unexpended shall immediately revert to the State Treasury, and all geological collections, records, maps, reports, and accumulated property, office fixtures and supplies and all other properties relating to and belonging to the department of the Kentucky Geological Survey are placed in the custody, care and control of the Commissioners of the Sinking Fund of Kentucky, and said Sinking Fund Commission is hereby authorized to transfer same to other boards, commissions or departments of State Government, or sell same.

By Senator Rogers.

S. B. 170. An Act defining school districts; setting out powers and duties of boards of education therein; indicating procedure relating to the organization, control and operation of the common schools therein; providing for a uniform census every three years; exempting school pupils from toll on roads, bridges and ferries; repealing various scattering provisions of old law relating to division boards of education and other provisions covered by this Act or not consistent with it.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sections of law set out in the title of this Act be repealed, and that the following be enacted in lieu thereof:

There shall be three types of school districts in this Commonwealth, which shall be designated as: (1) city school districts, each embracing a city of the first, second, third, or fourth class together with any territory which may be included in any change made according to law in the boundary of such city or district; (2) graded common school districts now existing as such and maintaining a census of one hundred school children or more and approved school or schools in such districts of uniform term for all grades, one to twelve; and (3) county school districts, each comprising the entire county or the remainder of the county outside the geographic limits of any city or graded school districts. Any school district shall have the right to combine or merge with an adjacent district in the same county in manner now authorized by law.

§ 2. It shall be the duty of the board of education (or board of trustees) of any school district to provide school facilities through the elementary and high school courses for all children of school age residing within the geographic limits of such district and for those over eighteen years of age who have not completed these courses; to establish and maintain these schools subject to and in accordance with State Board of Education regulations for their organization and approval, with junior, senior, junior-senior or other types of high school organization authorized in such regulations; to administer and supervise the schools under its jurisdiction through its superintendent and other professional employees; to provide a uniform system of promotions from all grades, which promotions shall be valid in all districts of the Commonwealth; to assign any children or grades to such public schools as may in its judgment be most desirable, and may provide transportation to such schools for children not within reasonable walking distance. Children so transported and other pupils going to and from these schools shall have toll-free passage over roads, bridges and ferries. Children may be sent to a public school in another State only in case such school is aproved by the school authorities of that State.

§ 3. The board of education of any district shall exclude

from school children from families where there is a contagious or infectious disease, and shall on the order of the health authorities suspend any school or schools when the health conditions require it, but without loss of salary by the teachers unless their contracts so provide; and the board may require satisfactory evidence of physical fitness of all its teachers and other employees.

§ 4. Each board of education shall provide a library service which shall be free to its pupils and teachers and available to other citizens of the district in such manner as the board may direct, and it may annually for the school year appoint an advisor for any designated school to cooperate with the board for the protection, operation, and improvement of the school.

§ 5. Each board of education shall adopt a salary schedule in accordance with which the salaries of its teachers shall be graduated with regard to their educational training, teaching experience, and other essential factors. Before such schedule becomes effective it shall be submitted to the State Board of Education, and approved if in accordance with law. The minimum annual salaries shall not be less than fifty dollars per month for the school year for teachers having the minimum qualifications required for the standard elementary certificate unless the anticipated revenues for teachers' salaries are insufficient, in which case the schedule may provide proportionately lower salaries. Teachers' salaries shall be paid monthly for services legally rendered and properly reported.

§ 6. The board of education in each district shall keep its records and official papers at all times subject to inspection and shall through its superintendent on or before the first day of August of each year report to the Superintendent of Public Instruction such facts pertaining to its schools and their administration as may be called for on forms furnished by him for this purpose.

§ 7. It shall be the duty of the board of education of

each school district in the year 1935 and every third year thereafter to take in the month of April an exact census of all children that reside in such district on the first day of April who will on the first day of July following be between six and eighteen years of age, and on or before the first day of May report a list of the same affirmed by oath to the superintendent to be kept as a record of his office and reported to the Superintendent of Public Instruction in the month of May on forms furnished by him, specifying for each child the data called for on such forms.

Should any enumerator willfully add to the list the name of any person not entitled to be placed on same, or otherwise knowingly make a false list, such person thus offending shall, in addition to being liable to punishment for false swearing, be subject to a fine of not less than fifty dollars; and should any school officer or employee be a party to such fraudulent list, or aid in the commission of such fraud, he shall be liable to the same punishment.

As basis for distributing the per capita in years when no census is required to be taken the Superintendent of Public Instruction shall estimate the census in any district by adding annually to the next preceding census actually taken the average annual increase, or deducting the average decrease, shown by the last three actual enumerations; but if the board of education of any district or the Superintendent of Public Instruction elects to take the census in such year, such actual census shall govern in such county.

§ 8. Any superintendent, trustee, or member of a board of education who asks or accepts directly or indirectly for himself or another any valuable consideration for being a party to the employment of a teacher or other school employee, or any teacher or other person who offers or gives such consideration shall be guilty of bribery and subject upon conviction therefor to penalty as provided by law.

By Senator Rogers.

S. B. 171. An Act to repeal, amend and re-enact Sub-

section 17 of Section 165a, Kentucky Statutes, Carroll's 1930 Edition, relating to the State Banking Department.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 17 of Section 165a of the Kentucky Statutes, Carroll's 1930 Edition, relating to the State Banking Department, be and the same is hereby repealed, amended and re-enacted so as to read as follows:

"165a-17. Insolvent Bank; Powers and Duty of Commissioner in Respect to; Assets, How Applied. The banking commissioner may, under his hand and official seal, appoint one or more special deputy banking commissioners, as agent or agents, to assist him in the duty of liquidating and distributing the assets of any insolvent bank, the certificates of appointment to be filed in the office of the banking commissioner, and a certified copy in the office of the clerk of the circuit court in the county in which the office of such insolvent bank is located.

The banking commissioner may, from time to time, authorize a special deputy commissioner to perform such duties connected with the liquidation and distribution, as the banking commissioner may deem proper. The banking commissioner may employ such counsel, and procure such expert assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank, and may retain such officers and employees of such bank as he may deem necessary. He shall require from a special deputy commissioner such surety for the faithful discharge of his duties as he may deem proper; provided, however, it shall not be for a less sum than one-half the assets of the bank.

Whenever, under the provisions of this Act, the banking

commissioner, in person or by a deputy or by a State bank examiner, shall take charge of any bank, or the court shall appoint a receiver as in this Act provided, such person shall be allowed for his services not exceeding the sum of two dollars per hour for not exceeding ten hours per day for the time actually engaged by him in labor in the liquidation of the bank. If such person be a special deputy, appointed by the Commissioner, or a receiver, appointed by the court, such allowance shall be paid to him as his compensation, and if such person shall be the banking commissioner or his deputy or a State bank examiner, the amount so allowed as compensation shall be paid into the State treasury; and the commissioner shall fix the compensation of the counsel and any special assistants subject to review by the court, and all such expenses shall be paid out of the bank so liquidated.

Whenever the banking Commissioner in person, or by deputy or by the State bank examiner, shall take charge of any bank under the provisions of this Act, he shall, within thirty days thereafter, file in the office of the clerk of the circuit court of the county in which the bank is located, a detailed statement in the form prescribed in Section 165a-10 of this Act, of the assets and liabilities of such bank, and thereafter upon the first day of the term of each succeeding session of the circuit court of such county, and every sixty days in counties having circuit courts of continuous sessions, he shall file a report of his acts and doings in the administration of such bank since his last report; any person, firm, or corporation may, by petition addressed to the circuit court, have any act of such commissioner reviewed by the court, in the same manner and with the same rights and powers as would have attached had such commissioner been a receiver appointed by the court.

The banking commissioner shall cause notice to be given by advertisement in such newspapers as such bank's semi-annual reports are published, weekly for three consecutive months, calling on all persons who may have claims against such insolvent bank to present the same to the banking commissioner, and make legal proof thereof, at a place and within

a time not more than six months after the last date of publication, to be therein specified. He shall mail a copy of such notice to all persons whose names appear as creditors upon the books of such bank. If the commissioner doubts the justice and validity of any claims, he may reject the same and serve written notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the banking commissioner. An action upon a claim so rejected must be brought within six months after such notice. Claims presented after the notification of the time fixed in the notice to creditors, shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the banking commissioner, equitably applicable thereto.

All money of any bank in liquidation that may be collected or received by the banking commissioner, any deputy or special deputy in charge thereof, shall, as soon after same shall have been collected or received, as is reasonably practicable, be deposited in a bank or banks in this State, to be selected by the commissioner or deputy in charge, and same will be deposited to his credit as the agent of the bank in liquidation, giving the name of the bank, and said deposits when so made shall become a trust fund in favor of the bank in liquidation, to be paid out or withdrawn only upon the written order of the agent so depositing same, or his duly appointed and qualified successor. In the event any bank or banks, in which the deposits above provided for have been made, shall be or become insolvent, or for any reason go into liquidation, the unpaid balance of said account shall be a preferred claim against the assets of said bank or banks and be paid accordingly.

The assets of any bank in liquidation under this Act shall be applied (a) to the payments of costs and charges of liquidation, and preferred claims; (b) to satisfaction of secured claims to the extent of such security; (c) to the satisfaction of all other debts, including unsatisfied balances of secured

claims, ratably and without preference to the amount allowed at the time of distribution, and (d) the residue, after all liabilities are paid shall be distributed for the benefit of the stockholders ratably, or may, on their request, be turned over to them or their agent for settlement.

By Senator Rogers.

S. B. 172. An Act defining plumbing, master plumber and journeyman plumber in counties containing cities of the first and second class of the Commonwealth of Kentucky; providing for examinations and issuing certificates to qualified registered master plumbers and registered journeyman plumbers and placing same under the jurisdiction of the State Board of Health of Kentucky; and also granting to the State Board of Health of Kentucky the power to adopt and promulgate a code regulating the installation of plumbing, house drainage, sewerage and sewage disposal; designating the kind of materials and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage to be used in plumbing and drainage and the methods of their installation, prescribing the powers and duties of the State Board of Health in relation to this Act and providing penalties for violation of the provisions of this Act.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Defining Plumbing, Master Plumber and Journeyman Plumber. Plumbing is the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water, and drainage pipes for removing waste water and sewerage, together with fittings and appurtenances of various kinds all within or adjacent to the building and including also the "service pipe" which forms the connection

between the shut-off valve and curb line and the building, and the "house sewer" which conveys the waste water and sewage from the building to the street sewer or other point of disposal, including private sewage disposal contraptions or other methods and also includes storm or rain water pipings, if same is discharged through or connected with house sewer or house drain. In order to safeguard life, health and property, any person, firm or corporation engaged in or working at the business of plumbing, either as a master plumber or a journeyman plumber, in counties containing cities of the first and second class of this Commonwealth, shall hereafter be required to submit evidence that he or she is qualified and shall be required to register, as hereinafter provided.

A master plumber is hereby defined to be a person who assumes responsible charge and direction of other persons in the installation of plumbing and drainage and is skilled in the planning, superintending and the practical installation of plumbing and drainage.

A journeyman plumber is hereby defined to be a person who performs the work of installing plumbing and drainage under the direction of a master plumber.

Any person who assumes responsible charge and direction of other persons in the installation of plumbing and drainage, and who employs for gain or reward a person not registered, as provided herein, to perform and install plumbing and drainage, shall be guilty of violating the provisions of this Act and shall be punishable under the terms thereof. Provided, however, the provisions of this Act shall not apply to anyone who is employed as or acting as a maintenance man by any person, firm or corporation, and who does not practice as his principal trade of business the occupation of a journeyman plumber; and, provided further, the provisions of this Act shall not apply to persons employed by any water company in the laying, maintenance and operations of its water mains and other appurtenances in the conduct of its business.

§ 2. For the purpose of carrying out the provisions of

this Act and for the purpose of enforcing all of its provisions, the State Board of Health of Kentucky shall have jurisdiction, with power to issue and revoke certificates, as herein provided, conduct and hold examinations as herein provided, to make all the necessary rules and regulations for conducting the examination of applicants and governing the method and time for filing applications for examinations and the time within which an applicant must be examined after his application has been filed, and shall have the power to adopt all other reasonable rules and regulations not inconsistent herewith, as may be necessary to carry into effect the objects and purposes of this Act.

For the purpose of conducting the examination or examinations for persons to qualify as a registered master plumber or as a registered journeyman plumber under the provisions of this Act, the State Board of Health of Kentucky shall appoint as such examiners for such examination or examinations, the following persons: The State Health Officer, the State Sanitary Engineer and three other persons, all of whom shall be registered, under the provisions of this Act, either as a master plumber or a journeyman plumber. Provided, however, that one of said persons shall be a registered master plumber and one of said persons shall be a registered journeyman plumber.

For the purpose of defraying the expense of such examination or examinations, and other expenses incident to the operation of this Act, the following fees shall be paid to the State Board of Health of Kentucky:

(a) By an applicant for an examination to determine his fitness to receive a certificate of registration as a master plumber, twenty-five ($25.00) dollars.

(b) By an applicant for a certificate of registration as a master plumber, twenty-five ($25.00) dollars.

(c) By an applicant for an examination to determine his fitness to receive his certificate as a registered journeyman plumber, five ($5.00) dollars.

(d) By an applicant for a certificate of registration as a journeyman plumber, five ($5.00) dollars.

(e) By an applicant for the annual renewal of the certificate as a registered master plumber, ten ($10.00) dollars.

(f) By an applicant for the annual renewal of the certificate as a registered journeyman plumber, three ($3.00) dollars.

All of the above fees must accompany the application, and no part of said fees shall be refunded.

An applicant failing to receive a certificate upon his first application, or an applicant who fails to pass his first examination, shall be entitled to enter any examination held within six months from the date of his failure to procure a certificate, as provided for in this Act, without the payment of any additional fee.

§ 3. The State Board of Health of Kentucky, for the purpose of carrying out the provisions of this Act, shall establish, adopt, promulgate and put into effect a code regulating the installation of plumbing, house drainage and sewerage and sewage disposal, using as a minimum the basic principles adopted by the sub-committee on plumbing of the Building Code Committee of the United States, Department of Commerce, as shown in the final report of said committee under date of July 3, 1923, with such additions as local, climatic and other conditions may require, and also to fix reasonable fees for the purpose of carrying into effect the provisions of this Act.

§ 4. MATERIALS—Kind That May Be Used. The use of all unsafe and defective material in the work of plumbing and drainage is prohibited. Only the best known methods of installing of materials and fixtures, including supply pipes, waste, ventilation, soil pipe and sewerage shall be employed. It shall be unlawful to use in the work aforesaid light lead

pipe, bends and traps, and all combination lead and iron or combination lead and brass ferrules, bends or traps; but there shall be employed only the best known methods of joining lead or iron pipes by the use of heavy cast brass ferrules properly wiped with solder to lead.

§ 5. Persons to Whom Certificates As Registered Master Plumbers or Registered Journeyman Plumbers Are to Be Issued. The State Board of Health of Kentucky, upon application of any person who is a citizen of the United States and at least twenty-one (21) years of age, shall issue a certificate as a registered master plumber or a registered journeyman plumber without examination to any of the following:

(a) Any person, firm or corporation who furnishes the proper evidence that he or she were known as a master plumber and practiced as a master plumber as his or her principal vocation within counties containing cities of the first and second class of the Commonwealth of Kentucky at the time that this Act became a law, for at least five (5) years prior thereto and who applies for such certificate within six (6) months after the passage of this Act and its approval by the Governor.

(b) Any person who furnishes the proper evidence that he or she were known as journeyman plumbers and practiced as journeyman as his or her principal vocation within counties containing cities of the first and second class of the Commonwealth of Kentucky at the time that this Act became a law, for at least six (6) years prior thereto and who applies for such certificate within six (6) months after the passage of this Act and its approval by the Governor.

(c) Any person who furnishes the proper evidence that he or she now holds a license as a journeyman plumber, or who is a registered journeyman plumber and has passed the examination of any plumbing board of examiners for journeyman plumbers provided for under the laws of this State, and who applies for a certificate as a journeyman plumber within

six (6) months after the passage of this Act and its approval by the Governor.

(d) Any applicant not possessing the qualifications as hereinabove set forth, who desires to become a registered master plumber or a registered journeyman plumber under the provisions of this Act, shall satisfactorily pass an examination designed to test applicant's practicability and technical knowledge of plumbing work, ventilation, water supply, etc.—provided such applicant is a citizen of the United States and at least twenty-one (21) years of age.

§ 6. Who May Be Styled as Registered Master Plumber or Registered Journeyman Plumber. Any person having a certificate pursuant to the requirements of this Act may be styled or known as a registered master plumber or a registered journeyman plumber.

§ 7. No Person Shall Assume the Title of Master Plumber or Journeyman Plumber Unless Application For Certificate Has Been Applied For. No person, firm or corporation presumed to have the right to secure such certificate because of his or her use of the title "Master Plumber" or "Journeyman Plumber" prior to the time this Act goes into effect, shall assume any title indicating that he or she is a master plumber or journeyman plumber, or any words, letters or figures to indicate that the person using them is a master plumber or a journeyman plumber, unless he or she shall have qualified and obtained a certificate of registration as a master plumber or journeyman plumber, as provided for in this Act, or stated his or her intention in writing to the State Board of Health to apply for certificate within six (6) months after the passage of this Act and its approval by the Governor.

§ 8. A Corporation or a Partnership May Engage in the Business of Plumbing. A corporation or a partnership or an individual principal may engage in the business of plumbing within counties containing cities of the first and second class in this State, provided a person or persons connected with

such corporation or partnership or individual principal in responsible charge of such plumbing work is or are registered as herein required of master plumbers, or is or are otherwise authorized to practice. The same exemption shall apply to corporations and partnerships as apply to individuals under this Act.

It shall be the duty of any person who is a registered master plumber who is in responsible charge of such plumbing work for the corporation, partnership or individual principal, engaged in the plumbing business, for such person to notify the State Board of Health when such person severs his connection with the said corporation, partnership or individual principal.

§ 9. Any municipality in this Commonwealth included under the terms of this Act which shall adopt the code promulgated by the State Board of Health of the Commonwealth of Kentucky for plumbing hereinabove set forth through municipal ordinances regulating the installation of plumbing, shall have the right to appoint a municipal plumbing inspector and a deputy plumbing inspector; said municipal inspector and deputy municipal inspectors shall have concurrent jurisdiction with the county plumbing inspector within the boundaries of the municipality in the enforcement of the provisions of this Act; provided, however, that at the time of their appointments the said municipal plumbing inspector and deputy municipal plumbing inspector are either registered master plumbers, under provisions of this Act, or are registered journeyman plumbers under any law of this Commonwealth regulating the registration of journeyman plumbers or any municipal ordinance passed thereunder. No provisions of this Act shall deprive cities of the first or second class from collecting its occupational license fees on either master or journeyman plumbers, or from the collection of fees for the issuance of permits for the installation of plumbing fixtures.

§ 10. For the purpose of carrying out the provisions of

this Act, the State Board of Health of Kentucky shall appoint for counties containing cities of the first and second class in this Commonwealth, a County Plumbing Inspector; also the State Board of Health of Kentucky may appoint such Deputy County Plumbing Inspectors as it may deem necessary to carry out the provisions of this Act. Such County Plumbing Inspector and Deputy County Plumbing Inspector or Inspectors shall have at least ten (10) years' experience as a journeyman plumber , or has had five (5) years' experience as a journeyman plumber, and five (5) years' experience as a master plumber, or who has had ten (10) years' experience either as a journeyman plumber and a master plumber. Provided, however, that such person must have had five (5) years' experience as a journeyman plumber and who, at the time of his appointment, is either a registered master plumber or a registered journeyman plumber, under the provisions of this Act. The salary of said County Plumbing Inspector and the deputy or deputies shall be fixed by the State Board of Health at the time of or immediately after his or their appointment.

§ 11. Penalties for Violating the Provisions of the Act. Any person, firm or corporation on violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten ($10.00) dollars, nor more than one hundred ($100.00) dollars, or imprisonment in the county jail for a period of not more than (90) days, or both so fined and imprisoned, in the discretion of the court or jury.

§ 12. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said Act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

§ 13. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

By Senator Allie W. Young.

S. B. 173. An Act creating a County Civil Service Board in counties of this Commonwealth in which there is located a city of the first class; providing for county patrols in counties having a city of the first class; prescribing the powers and duties of said Civil Service Board; repealing Sections 3780, 3781, 3782, 3783, 3784, 3785 and 3786 of Carroll's Kentucky Statutes compiled and edited by the Baldwin Law Book Company, and all laws and parts of laws in conflict herewith, and declaring an emergency to exist.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created in each county of the Commonwealth of Kentucky having a city of the first class a County Civil Service Board consisting of four members with powers and duties co-extensive with the county. The members of such boards shall be appointed by the duly elected, qualified and acting sheriff of the county, two of whom shall at all times be members and supporters of, and affiliated with, the political party receiving the highest number of votes, and two of whom shall be supporters and members of, and affiliated with, the political party receiving the next highest number of votes, at the last preceding general election previous to their appointments. The sheriff shall select and appoint the members of the board from lists of four names each previously submitted to him for that purpose by the city and county executive committees of such respective political parties. The members of County Civil Service Boards shall be at least thirty years of age, citizens and continuous residents and legal voters in said city for not less than three years next preceding their appointments. No person holding any civil office shall be eligible to membership on any County Civil

Service Board. The sheriff shall appoint the first members of said board on or before May 1, 1932, and all members appointed on any such boards shall hold office until their successors are appointed and qualified. One member of said board shall be appointed for a term of one year, one member of the opposite political party shall be appointed for a term of two years, one member, who is of the same political party as the member appointed for a term of one year, shall be appointed for a term of three years, and one member of the same political party as the member appointed for a term of two years shall be appointed for a term of four years; and upon the termination of the respective terms, their successors shall be appointed and qualified for a term of four years each. Any vacancies occurring within the membership of said board shall be immediately filled, for the unexpired term, by the then qualified and acting sheriff, in the same manner as the members of the first board were selected and appointed.

The fiscal courts of said counties shall fix the salary and compensation of said members at a sum not less than six hundred dollars nor more than twelve hundred dollars per annum, payable monthly, and the salary and compensation of any member shall not be changed during his term of office.

Before entering upon the discharge of his duties, each member of said board shall execute and deliver a surety bond to the county judge of said county, in an amount to be fixed by the fiscal court of said county.

In the event of a tie vote on any matter that may come before any such board, the sheriff of said county shall become an ex-officio member of said board only for the purpose of casting the deciding vote upon said question.

The member of the board appointed for the one-year term shall be chairman for the first year, and thereafter the member whose term next expires shall be chairman for the last year of his term.

The board shall meet regularly at nine o'clock A. M. on

the first and third Tuesdays of each month, at a place convenient and suitable, to be designated, provided and equipped by the fiscal court of the county. Adjourned meetings may be held as determined by the board. Special meetings of the board may be called by the chairman or by any two members, by delivering reasonable written notice to each member.

A quorum of said board shall consist of not less than three members for the transaction of business that may come before it.

§ 2. Each County Civil Service Board may employ a secretary, and a chief examiner, but the same person may perform the duties of both offices, and other examiners and clerical and other assistants as in its judgment may be necessary for the efficient administration of this Act, and shall determine, by order of record, the terms of office, duties and services to be performed, and the compensation of all persons so employed.

The fiscal court of said county upon recommendation of the County Civil Service Board, shall make an annual levy and appropriation sufficient to cover all salaries and necessary expenses of said board and its employees; provided, that the expenses for the year 1932 shall be paid out of the present county police fund for the year 1932.

§ 3. Each County Civil Service Board shall have the power and it shall be its duty to select and appoint county patrols and designate a chief and assistant chief of county patrol from eligibility lists as hereinafter provided for. The county patrols shall be discreet, sober citizens and residents of said county, not less than twenty-one years of age, and shall subscribe and take an oath in the county court for the faithful and impartial performance of his duties, and execute a bond, with good surety, in a sum to be fixed by the board. All patrols shall have jurisdiction co-extensive with the county, and shall possess all the common law and statutory powers of deputy sheriffs except for the purpose of civil

process. The board, by order of record, shall prescribe the number of hours in each month each patrol shall be on duty in his district.

§ 4. The County Civil Service Boards may, once in every year, divide their counties into as many districts as the public peace and good order of society may require, and appoint in each district a company of patrols to consist of a captain and patrols necessary for efficient service in maintaining peace and good order.

Each board may, by order of record, remove, suspend or reduce in grade any officer or employee in the county patrol service for any cause which will promote the efficiency of the service; provided a written statement of the reasons therefor be first furnished such officer or employee, and he is allowed a reasonable time for answering such reasons, in writing, which answer, if he so requests, shall be made a part of the records of the board. After a full and impartial hearing, in public, of the charges preferred against such officer or employee, with the examination of all witnesses offered to testify concerning the charges so preferred, the board shall enter an order of record of its action in said cause and furnish to the said officer or employee a copy thereof. In all hearings the chairman of the board shall have the power to administer oaths to witnesses in giving testimony therein. The said board shall have power, through its chairman or secretary, to issue subpoenaes to compel the attendance of witnesses upon any proceeding authorized by law or for infraction of any of its rules or regulations.

§ 5. The County Civil Service Boards shall have the power to fix the salary and compensation of county patrols, chief and assistant chief of patrols. The county patrols shall be paid by order of the fiscal court out of the levy provided therefor a salary not less than fifteen hundred nor more than eighteen hundred dollars per annum, payable in equal monthly installments. The chief and assistant chief of patrols shall each be paid by order of the fiscal court, out of the

county levy provided for county patrol service, a salary of twenty-one hundred dollars per annum, payable in equal monthly installments. Each patrol shall present a verified claim to the County Civil Service Board for services rendered, specifying the number of hours engaged, upon which the board shall fix the amount to be paid by the fiscal court.

§ 6. The County Civil Service Boards, upon petition of at least ten citizens, residents and taxpayers in any magisterial district, may appoint in such magisterial district not exceeding three special patrols and to continue in service not exceeding twelve months, unless sooner removed for cause by the board. None but discreet and sober citizens, at least twenty-one years of age, shall be appointed such special patrol, and they shall take oath in the county court for the faithful and efficient performance of their duties and shall give bond therefor with good surety in the sum of one thousand dollars, and when so appointed shall have jurisdiction co-extensive with the whole county. The compensation of said special patrol shall be paid by the persons who petition for their appointment.

§ 7. The County Civil Service Boards as provided for herein may, in the case of need, appoint special patrols to do special duty at any time and place within the county, and on such terms as it may deem proper and not in conflict with the civil service provisions of this Act. These special patrols shall be governed by such rules and regulations as said board may provide, and they shall have all the powers of regular patrols. The hours of service and the compensation of such special patrols shall be fixed by order of record of the board, not to exceed the compensation of regular patrols, and the compensation shall be paid in the same manner as provided for regular patrols.

§ 8. The chief of county patrols shall have exclusive direction and control of the county patrol force subject to the rules, regulations and orders of the County Civil Service Board, except in times of peril, riot, extensive conflagration,

disorders or the apprehension thereof, the chief of the county patrol shall be subordinate to the board and under their direct supervision and orders. The county patrol shall visit all suspected place or places of unlawful assemblage within their respective districts and such other duties as may be prescribed by the board.

§ 9. The County Civil Service Boards shall, after published notice and hearing, make, promulgate and when necessary amend rules and regulations for the appointment, promotion, transfer, suspension, reinstatement and removal of the personnel of county patrol and for the qualification of men for appointment, promotion and transfer, and shall report its proceedings, rules and regulations to the fiscal court.

§ 10. Such rules and regulations shall, among other things, provide:

(a) For standardization and qualification of all positions. All salaries shall be uniform for like service in each grade and the same shall be standardized and classified by the board.

(b) For open and competitive test, ascertaining the relative fitness of all applicants for appointment to said county patrol service, and all tests shall be practical and related only to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. Notice of such tests shall be given not less than ten days in advance by public advertisement in at least one newspaper of general circulation in the county and by posting a notice on the door of the county court in the county court house.

(c) For the creation of eligibility lists, upon which shall be entered the names of successful candidates in the order of their standing in examinations and for the filling of places in said county patrol from selections of not more than three candidates graded highest on such eligibility list, which list

shall remain in force not longer than one year. In the absence of an appropriate eligibility list, any place may be filled temporarily by the County Civil Service Board without examination for a period not to exceed sixty days, during which time the County Civil Service Board shall hold the necessary examinations for the filling of the place permanently.

No person shall be appointed or employed under any title not appropriate to the duties to be discharged, and no person shall be transferred or assigned to perform any duties of any position subject to competitive tests equivalent to that required for the position to be filled. Each list of eligibles with the respective grades shall be open to public inspection.

Any person appointed from the eligibility list and laid off for lack of work or lack of appropriation shall be placed at the head of the eligibility list for reappointment for a period of eligibility as provided by the rules of the board.

(d) For a period of probation not exceeding six months before an appointment or employment is made permanent.

(e) For reinstatement on the eligibility list of persons who, without fault or delinquence, are separated from the service.

(f) For promotion from the lower grades to the higher, based upon records of efficiency and seniority to be furnished by the captains of the county patrol districts.

§ 10. Within six months after the County Civil Service Board has promulgated rules herein provided for, all county patrols then members of the force shall attend the examination prescribed, and during said period and thereafter said examinations shall be open to all candidates, and all persons taking such examinations shall be graded, classified and their eligibility for service or continued service determined by the County Civil Service Board as herein provided, and all ap-

pointments, except as otherwise provided, shall be made by the County Civil Service Board from the eligibility lists so created. All persons appointed from such eligibility lists shall be known as in the classified service.

§ 11. No person in the county patrol service shall, directly or indirectly, give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or for any purpose whatever. No person connected with said service shall orally, or by letter, solicit or in any manner be concerned in soliciting any assessment, subscription or contribution for any political party or for any purpose from any person holding a position in the patrol service. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of any appointment to any position within the patrol service as a reward or return for personal or political service. No person appointed or about to be appointed or an applicant for an appointment to any position in the patrol service shall sign or execute a resignation dated or undated in advance of such appointment. No person in the classified service shall be suspended, demoted or promoted, or in any way changed in official rank or compensation for soliciting or receiving any contribution of money, service or any other thing of value for any political purpose. No person shall participate, directly or indirectly, in preparing any political assessment, subscription, or contribution, with the intent that the same shall be sent or presented to or collected from any person in any branch of the patrol service, and no person shall knowingly send or present, directly or indirectly, in person or by a letter, any political assessment, subscription, or contribution to or request payment by any person in any branch of the patrol service.

No person in any branch of the patrol service shall act as an officer of any political organization or be a member thereof, or take any active part in any political campaign or serve as a member of any committee of any political organization or circulate or seek signatures to any petition provided

for any primary or general election, or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office, whether Federal, State, county or municipal.

§ 12. No question in any examination held under the provisions of this Act shall relate to any political or religious opinions, affiliations or service, and no appointment, transfer, promotion, demotion, increase or reduction in compensation, suspension or removal, shall be affected or influenced by such opinions or affiliations.

§ 13. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment of six months, or both so fined and imprisoned, and be barred from future employment or service under said board; and if such person be an applicant for examination for patrol service, he shall be excluded from such examination for one year thereafter, and if the name of such person be on an eligibility list, his name shall be removed therefrom.

§ 14. The County Civil Service Board shall fix a minimum standard of conduct and efficiency in the service, and whenever it shall appear to the board that the efficiency and eligibility of any employee in the service has fallen below the minimum of such standard of conduct or efficiency, he shall be summoned before the board to show cause why he should not be removed, and if, upon hearing, no satisfactory reason shall be given to the board, he shall be removed, suspended or reduced in rank by the board as it shall determine, and said hearing shall be had in the manner as hereinbefore provided.

§ 15. The County Civil Service Boards created herein shall provide a manual of instruction for the use of persons who wish to acquire a knowledge of the rules and regulations of said board and the duties of the members of the county patrols of said counties.

§ 16. No member of any County Civil Service Board, officer, employee or patrol shall receive or accept any money or compensation, not provided by law, for any service or neglect of duty, in addition to his salary or compensation provided for herein.

§ 17. The provisions of this Act are severable and if any of its provisions or any penalty provided by this Act shall be held unconstitutional, such provisions or the particular penalties held to be invalid may be rejected without affecting the remainder of the Act or such parts of the penalties as are not held to be invalid, and the decisions of the courts shall not affect or impair any of the remaining provisions of this Act or any of the penalties anywhere in this Act provided. It is hereby declared as a legislative intent that this Act would have been adopted had such unconstitutional provisions or such invalid penalties not been included herein.

§ 18. That Sections 3780, 3781, 3782, 3783, 3784, 3785 and 3786, of Carroll's Kentucky Statutes, as compiled and edited by the Baldwin Law Book Company, be and the same are hereby repealed, and all other laws and parts of laws in conflict herewith are hereby repealed.

§ 19. Whereas it is necessary to organize, establish and create the office of County Civil Service Board in counties containing cities of the first class and make all necessary preparations for the enforcement of laws and maintenance of peace and good order in society in said counties, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval.

By Senator Franklin.

S. B. 174. An Act to repeal Sections 2, 3, 4, 5, 6, and 7 of Chapter 156 of Acts of the General Assembly of 1930 and Chapter 159 of the Acts of the General Assembly of 1930, and enacting in lieu thereof an Act creating a commission of nine members, each to serve four years, to be appointed by the

Governor, and confirmed by the Senate, to be known as "The State Highway Commission of Kentucky"; providing for the qualifications, terms of office and appointment of its personnel; defining its powers and duties, both general and particular; providing for the compensation and expenses thereof, including the salaries, compensation and expenses of its officers and employees; dividing the Commonwealth into Road Districts and describing the same; defining the duties of the Attorney General and of the County Attorneys in relation thereto; accepting the provisions of the Statutes of the United States, now or which may hereafter be enacted in aid of the State in the construction and maintenance of rural post roads and other purposes; vesting in said Commission the power to appropriate from the State Road Fund such sums as may be necessary to co-operate with the United States under any Federal Statute which is now or which may hereafter be enacted, and authorizing the State Treasurer to receive such money as may be paid to the Commonwealth of Kentucky by the United States in aid of the construction and maintenance of roads within this Commonwealth; and declaring an emergency to exist.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be, and hereby is created a commission to be known as "The State Highway Commission of Kentucky," which shall be composed of nine (9) members to be appointed by the Governor of the Commonwealth of Kentucky. The Commonwealth of Kentucky hereby is divided into nine (9) Road Districts. The first road district shall be composed of the following named counties: Ballard, Caldwell, Carlisle, Fulton, Graves, Livingston, Lyon, Marshall, McCracken, Trigg, Calloway, Hickman and Crittenden.

The second road district shall be composed of the follow-

ing named counties: Christian, Daviess, Hancock, Henderson, Hopkins, McLean, Union, and Webster.

The third road district shall be composed of the following named counties: Allen, Barren, Butler, Edmonson, Logan, Muhlenberg, Simpson, Todd, Warren, Cumberland, Monroe and Metcalfe.

The fourth road district shall be composed of the following named counties: Jefferson, Breckinridge, Bullitt, Grayson, Green, Hardin, Hart, Larue, Marion, Meade, Nelson, Ohio, Taylor, and Washington.

The fifth road district shall be composed of the following named counties: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton, Trimble, Owen, and Oldham.

The sixth district shall be composed of the following named counties: Clark, Estill, Fayette, Franklin, Lee, Scott, Woodford, Adair, Anderson, Boyle, Casey, Garrard, Jessamine, Madison, Mercer, Shelby, Spencer, and Lincoln.

The seventh road district shall be composed of the following named counties: Bath, Bracken, Elliott, Fleming, Harrison, Lewis, Mason, Menifee, Montgomery, Bourbon, Nicholas, Robertson, Rowan, and Powell.

The eighth road district shall be composed of the following named counties: Harlan, Perry, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Carter, Boyd, Greenup, Letcher, and Morgan.

The ninth road district shall be composed of the following named counties: Breathitt, Bell, Clay, Clinton, Knox, Laurel, Leslie, McCreary, Pulaski, Rockcastle, Wayne, Whitley, Owsley, Jackson, Russell, and Wolfe.

On or immediately after the effective date of this Act the Governor of the Commonwealth of Kentucky shall appoint a member of the State Highway Commission from each of the

nine (9) foregoing road districts, each member so appointed to serve until February 1, 1936. Any vacancy in the commission which may occur by death, resignation or otherwise shall be filled by the Governor for the unexpired term. Each of the said appointments, except appointments to fill a vacancy or vacancies occurring when the Senate is not in session, shall be confirmed by the Senate. The said commission shall, immediately after its appointment and qualification, or as soon thereafter as practicable, meet and organize by selecting a chairman and secretary thereof from among its members to serve for a term of four years. Five members of the commission shall constitute a quorum for the transaction of its business. Each and every member of said commission shall be a citizen and resident of Kentucky and of the district for which he is appointed, and shall be not less than thirty years of age, a representative citizen, and be well informed as to the needs and requirements of the State with reference to roads, highways and bridges. No person while in the employ of or while holding any official relation to any person, firm or corporation selling or furnishing or proposing to sell or furnish any materials entering into the construction, repair or maintenance of any road, bridge or highway of this State, or any part thereof, or who is pecuniarily interested therein as a stockholder or otherwise, shall be a member of the commission; nor shall the commission appoint any person or persons as engineers, superintendents or foremen sustaining such relation to such persons, firm or corporation; nor shall such engineers, superintendents or foremen, or any other employees of the commission become in any way connected with or interested in any such person, firm or corporation while in the employ of the said commission; nor shall any of said commissioners or any engineer, superintendent, foreman or employee appointed by the commission be a candidate for or hold any public office than that of commissioner, or of employment under said commission, or be a member of any political committee either while acting as such commissioner or while holding employment thereunder. In case of any of said commissioners or its servants or employees shall be a candidate for or hold any public office, or shall be a member

of any political committee, his office as a member of the Highway Commission or position as employee, as the case may be, shall be vacated ipso facto. Each of said commissioners before entering upon the discharge of his duties shall qualify by taking and subscribing to the constitutional oath, and an oath that he is not at the time of entering on the discharge of his duties, and will not thereafter, while a member of said commission, be in the employ of or hold any official relation to any person, firm or corporation selling or furnishing or proposing to sell or furnish any materials entering into the construction, reconstruction, repair or maintenance of any road, bridge or highway of this State, or any part thereof, and is not and will not become pecuniarily interested therein as a stockholder, or otherwise, during his term, and is not and will not, during his term of office be pecuniarily interested, directly or indirectly, in any person, firm, or corporation engaged in the business of building, constructing, reconstructing, or maintaining public roads, bridges or highways; or in furnishing, soliciting, or executing bonds for any member or employee of the commission, or for any contractor dealing or about to deal with the commission. Before acting as a member of said commission a record of such oath shall be entered on the minutes of the commission, and said oath shall be filed in the office of the Secretary of State.

§ 2. Said commission shall have its principal office in the city of Frankfort, Franklin county, Kentucky. Provided, however, that the commission may, for the purpose of accommodating the people of Kentucky, hold its sittings in any part of the Commonwealth; this provision having for its purpose the right to hold its meetings in various parts of the State so that those who are interested in roads or bridges in different parts of the State may have the commission come to them instead of the commission having them to travel great distances to the city of Frankfort, it being well known that there are many persons in the State who wish to appear before the commission, but are not financially able to bear the expense of such trips.

§ 3. The commission shall provide a book in which shall

be recorded all the minutes and orders of said commission at each meeting, which minutes and orders, after having been read to or by the commission while in session and approved by the commission, shall be signed by the chairman and secretary thereof. Such minutes and orders shall be recorded in a book wherein the leaves are permanently fixed and bound, and no loose-leaf book shall be used for this purpose.

§ 4. The commission shall meet at least once every two weeks, the time of such meetings to be fixed by the commission, but the dates of such meetings may be changed at the will of the commission. The chairman of the commission or any five members thereof may call an extra or special meeting of the commission; but such call shall be in writing and shall be so far in advance of the call meeting to enable each and every member of the commission to be present at the meeting, and such call of an extra or special meeting shall be entered on the minute book as a matter of record. Such notice if given by telegram shall be treated as written notice.

§ 5. It shall be the duty of the commission to make a careful investigation of all problems relating to the construction and maintenance of roads and bridges in the State. The commission shall examine all projects and ascertain the feasibility of all routes; and shall obtain information as to the proper type or character of road for any project. It shall examine all types of road materials which may be used, or the use of which is contemplated, in the construction, reconstruction, or maintenance of any road or bridge to be constructed by the commission or under its direction or supervision; and the commission shall, from time to time, examine and have examined and audited all of its books, papers and records; and no invoice or bill to be paid out of the road or bridge funds shall be approved by the commission for payment or authorized by it to be paid unless and until each and every bill or invoice shall have been carefully examined, separately, by the commission while in session, for the purpose of ascertaining whether any such bill or invoice is in every respect a proper, just, equitable, and legitimate charge against the road or bridge funds; and each member of the commission shall

have the privilege of calling before the commission any person who may have knowledge or information respecting any of said bills or invoices; and, further, no salary or compensation shall be paid or caused to be paid by the commission to any person until such person has been appointed by the commission and his salary or compensation fixed by the commission. Provided, however, that common labor may be employed and paid for by the commission under such rules and regulations as the commission may adopt therefor; provided, further, that the chairman of the commission may, in order to meet an emergency, make necessary appointments, which appointments shall terminate at the next succeeding meeting of the commission unless confirmed by the commission.

§ 6. Subject to the immediate foregoing provisions the commission is empowered and authorized to employe such engineers, draftsmen, bookkeepers and such other assistants and employees as it may deem necessary to efficiently and economically discharge the duties imposed upon it by law, and it is authorized and empowered to fix the salary or compensation of each person so employed, which salary or compensation shall be paid out of the State treasury upon certification by the commission to the Auditor of Public Accounts, and charged to the State Road Fund, except as otherwise authorized. It may remove any employee when, in its judgment, the good of the State so requires. The commission shall, from time to time, assign each of its employees to such work as it may deem best. The chairman shall be the chief executive officer of the commission; and, in addition to the authority of that position, he is specifically authorized in cases deemed to be those of emergency or to prevent fraud or the appearances of fraud, to suspend or change the assignment of any employee.

If any person having a contract with the commission shall fail or refuse to carry out said contract, then the commission hereby is authorized to cancel such contract and relet same without advertisement; provided it can obtain a qualified contractor to perform such work at or less than the price at

which the contract was let in the first instance; otherwise the work shall be advertised as required by law.

In event it is ascertained by the commission that the cost of any contract or contracts, or cost of continued work on any contract or contracts will exceed the revenues of the then fiscal, the commission hereby is given the power and authority to cancel any such contract or contracts, or any portion thereof, as may be deemed necessary to certainly keep expenditures within the revenues of the fiscal period. If such authority should be exercised, then the commission is authorized and empowered to enter into a contract or contracts for the completion of any such work at any time funds are available without advertising such work; provided it can obtain a qualified contractor to assume such work at the price at which the contract was let in the first instance; otherwise the contract shall be advertised as required by law.

No contractor shall deviate from the contract, the provisions, plans or specifications upon which a contract has been awarded without first having obtained written authority from the State Highway Commission so to do; and, if done without such written authority, neither the Commonwealth of Kentucky, nor the State Highway Commission, nor the Auditor of Public Accounts, nor the State Treasurer, shall pay or be liable for any work or material not fully provided for in the original contract.

The commission shall make a report to the General Assembly at the beginning of each of its sessions, giving in detail all information necessary to fully advise the members thereof of the work done since the next preceding report, and particularly showing in detail all moneys expended and the purpose for which spent.

Each member of the commission shall be paid twenty dollars for each day upon which he may render service as a member of the commission, and days engaged in traveling on the business of the commission shall be considered as days on

which he is rendering service as a member of the commission; provided, however, that the compensation of no member of the commission, except the chairman, shall exceed three thousand dollars in any one year. The annual salary of the chairman shall be five thousand dollars. In addition to the compensation for each and every member of the commission shall be allowed his actual and necessary traveling expenses, including hotel bills, while engaged in the performance of his duties under this Act; provided, further that each employee of the commission shall be allowed, in addition to his salary or compensation, his actual and necessary traveling expenses when traveling under the direction of the commission and while engaged in the discharge of his duties; said expenses to be approved by the commission and certified to the auditor of Public Accounts for payment.

The commission may cause any road to be constructed or reconstructed by what is generally known as "force account" when no satisfactory bid is received for the construction or reconstruction of such road, after the necessary steps have been taken as provided by law to obtain bids for such work; and may, in like manner and under like limitations, do any part of the work of construction or reconstruction of any road by "force account." The expression "force account," is hereby defined to be work done by employees of the Highway Commission instead of through contractors, and for this purpose the commissioner (commission) may employ such assistants and laborers as may be necessary to economically carry on said work.

The per diem and expense accounts of the commissioners and employees shall be paid out of the State Treasury and charged to the State Road Fund when presented and approved by the commission, or when approved by the Attorney General; all annual salaries shall be paid monthly in equal installments; all compensation for those who are employed by the hour or day shall be paid twice a month. Said annual salaries and said compensations shall be paid out of the State Treasury upon the certifications of the commission to the Auditor

of Public Accounts and charged to the State Road Fund, except as otherwise authorized.

The commission, in its discretion, may require members of the commission and any of the employees of the commission to execute such bonds as the commission may deem necessary. The premium on all of said bonds shall be paid as other expenses of the Highway Department are paid.

Upon the order of the commission the Auditor of Public Accounts shall draw his warrant in a sum not to exceed twenty-five thousand dollars at any one time, payable to the commission, which shall be paid by the State Treasurer to the commission, and by the commission placed in a fund to be known as the "Labor Expense Fund," the same to be disbursed and paid out from time to time as the commission may direct, for the performance of labor incident to the work of the department on roads under charge of the commission.

It shall be the duty of the Attorney General and of his assistants and of the county attorneys of the several counties to render to the commission, without additional compensation, such legal services as it shall require of them in the discharge of its duties under the provisions of this act. Provided, however, that no county attorney can be required to render such service except in his county.

In addition to the duties imposed upon it in the preceding sections, the commission may cause to be published and distributed from time to time bulletins containing useful information touching only the construction and maintenance of roads and matters pertinent thereto.

The commission shall cause to be made all necessary surveys in the establishment and construction of the system of roads now or hereafter designated as such, and shall cause to be made and provided all necessary maps, prints, plans, and specifications of all work to be done on said roads, or any of them; and shall select the route, or any part of the

route, between the points designated, and may deviate from existing or proposed routes when necessity for such deviation is found; it shall establish the width and grades of all roads, and provide suitable and adequate systems of drainage; it shall determine the type or character of all roads which shall be constructed in whole or in part between designated points, and shall cause to be prepared estimates of costs, advertisements for bids, contracts for construction or maintenance and all necessary forms in connection therewith; it shall have full power, within the limitations in this act, to designate roads and sections of roads for construction. After surveys, plans, specifications, and estimates have been completed for any road, or any part or section of any road, and the type and character of such road has been determined, it shall advertise in newspapers published in or out of this commonwealth for and receive bids as provided in this act; it shall prescribe rules and regulations for the care and maintenance of roads after they have been constructed; it shall have full power to stop or regulate all traffic or travel over any road in process of construction or improvements and until same is ready to be opened to the public and for that purpose it shall have power to designate other roads for the accommodation of all travel and traffic until the road under construction is entirely completed and it shall have power to establish temporary roads to accommodate travel and traffic until the road under construction is finally completed and may make arrangements with the landowners for such necessary temporary rights of way for establishment of temporary roads, and it may contract and pay for same out of the road fund by certifying the cost thereof to the Auditor of Public Accounts; such temporary roads shall be designated and opened for travel by the commission at least two weeks before work is begun on the road proposed to be constructed or improved. The commission is empowered and authorized to advertise for bids and may enter into contracts for the purchase of and to purchase any and all materials and supplies of any kind or character necessary to be used in the construction or maintenance of roads and highways constructed or maintained under this law or laws hereafter enacted or other laws now in force,

and may pay for such materials when delivered at the destination specified in the contract. For the faithful performance of any contract entered into by the Commission and any contractor, the Commission may require bond or bonds, or secure same by any means they in their discretion may deem advisable or expedient. The Commission hereby is authorized and empowered to enter into contracts and agreements with the United States Government relating to the survey, construction and maintenance of roads under the provisions of the act of Congress, approved July 11, 1916, entitled: "An Act to provide that the United States shall aid the states in the construction of rural post roads, and other purposes," which act will be found in the United States Statutes at Large, page 355, or any act amendatory thereof, or any act of Congress having in view the same, or substantially the same object, which may hereafter be enacted, and submit such plan or program of construction and maintenance as may be required by the Secretary of Agriculture of the United States, or any other officer who may be designated by Congress, and do all other things necessary to fully carry out the co-operation contemplated, or that may hereafter be contemplated and provided for by said act or any future act; the Commission shall have the power, and it hereby is authorized at its discretion to set apart and appropriate from the State Road Fund an amount equal to any sum or sums that have been or may be allotted to the Commonwealth of Kentucky by the United States Government, or any sum or sums that may be necessary to carry on co-operative work with the United States Government under existing or future laws and plans, and there hereby is appropriated from the State Road Fund sufficient funds to enable the said Commission to pay the Commonwealth's portion for the construction and maintenance of rural post roads, or other federal aid roads, as provided for in the present, or any future federal aid act; the Commission hereby is directed and authorized to prepare or cause to be prepared, the necessary plans and specifications and to enter into contracts for and to supervise the construction of federal aid roads in accordance with the rules and regulations of the Secretary of Agriculture of the United States. The State

Treasurer hereby is authorized to receive such money or moneys as may be due under the provisions of the present or any future federal aid act, and the same shall be paid out by him upon warrants of the Auditor of Public Accounts, which warrants shall be issued only in payment of claims certified to him by the Commission. The Commission shall have the power and authority at any time to add to the primary system of highways in this State, any and all roads, projects or sections thereof as may be designated or approved by the Federal Government as state or national highways, and may adopt as part of such system any federal routes.

In addition to the foregoing enumerated powers and duties, it shall be the duty of the Commission to perform any and all other duties imposed upon it by this or any other act, and particularly shall it be its duty to do and cause to be done all things necessary to construct and maintain the system of primary roads now or hereafter designated as such and where there is no provision of law covering any necessary thing to be done in the construction and maintenance of said roads, it shall do or cause to be done such necessary things and the way and manner best calculated, in its judgment, to accomplish the necessary objects, and it is intended that the provisions contained in this act shall not be treated as restrictions on its powers, save as expressly stated or clearly implied, that is to say, it is intended that it may do all things necessary in the construction or maintenance of said roads except where the power is by this or another statute, or by the Constitution, expressly or by clear implication denied or restricted. Wherever and whenever the word "Commission" occurs herein it shall mean "The State Highway Commission of Kentucky."

The Commission shall succeed to and be vested with all the rights, powers and duties now vested in or imposed upon the State Highway Engineer for the State Highway Commission by any and all other statutes now in effect, and it shall be the agent of the Commonwealth of Kentucky in carrying out all contracts now in effect which have been executed by

the State Highway Commission as an agent of the Commonwealth of Kentucky.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

If any provision of this act be held to be invalid, or unconstitutional, such fact shall not affect any other provision of this act, it being the intention of the General Assembly in enacting this act to enact each provision separately; and if any provision or exception contained in any provision of this act shall be held invalid, or unconstitutional, such fact shall not affect the remaining portion of this act, it being the intention of the General Assembly to enact each provision of this act and each proviso and each exception thereto, separately.

Whereas, it is very urgent and a public necessity to have a new Highway Commission to construct and maintain the primary system of public highways and bridges in this Commonwealth, and in order that no delay happen an emergency is hereby declared to exist, and this act shall become effective from and after its passage and approval.

By Senator Turner.

S. B. 175. An Act to amend Section 216aa-68 and 216aa-69, Carroll's Kentucky Statutes, 1930 Edition, pertaining to inquests concerning the condition of the mind or mental faculty of persons.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 216aa-68, Carroll's Kentucky Statutes,

1930 Edition, be and the same is hereby amended so that said section as amended shall read as follows:

"The circuit courts of the several counties of this State shall have exclusive jurisdiction of all inquests concerning the condition of the mind or mental faculty of persons. When no circuit court is in session in the county, inquests of insane persons may be held by a judge of a circuit court or by the presiding judge of the county court, but in no case shall an inquest upon an idiot be held except in the circuit court."

§ 2. That Section 216aa-69, Carroll's Kentucky Statutes, 1930 Edition, be amended so that said section as amended shall read as follows:

"Any reputable person being a resident of the county and having knowledge of a person in the county who appears to be either feeble minded, an epileptic, insane or an idiot, who is not in a State or private institution for the care of such person, may file with the clerk of the circuit court a petition in writing for the trial and commitment of such person and setting forth facts verified by affidavit. It shall be sufficient if the affidavit is upon information and belief."

§ 3. That all acts or parts of acts in conflict herewith are hereby repealed.

By Senator Gaines.

S. B. 176. An Act to repeal Chapter 36 of the Acts of the General Assembly of the Commonwealth of Kentucky of one thousand nine hundred and thirty entitled "An Act relating to education in this Commonwealth and appropriating money from the general fund of the treasury of the Commonwealth to be used for education purposes in connection with the public school system of this Commonwealth and conferring authority and power upon the State Board of Education to supervise and administer the expenditure of money so appropriated, defining the purpose for which the money so ap-

propriated shall be used, and providing conditions upon which it shall be received; and generally to provide for a more efficient system of public schools in this Commonwealth."

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 36 of the Acts of one thousand nine hundred and thirty of the General Assembly of Kentucky being an act entitled "An Act relating to education in this Commonwealth and appropriating money from the general fund of the treasury of the Commonwealth to be used for education purposes in connection with the public school system of this Commonwealth and conferring authority and power upon the State Board of Education to supervise and administer the expenditure of money so appropriated, defining the purpose for which the money so appropriated shall be used, and providing conditions upon which it shall be received; and generally to provide for a more efficient system of public schools in this Commonwealth" be, and the same is hereby repealed.

By Senator Bondurant.

S. B. 177. An Act amending Section 4426b-1, Kentucky Statutes, Carroll's 1930 Edition, being Section 1 of Chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4426b-1, Kentucky Statutes, Carroll's

1930 Edition, being Section 1 of Chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees, be and the same hereby is amended by repealing said section in its entirety, and enacting in lieu thereof the following so that said section as amended shall read as follows:

On and after the passage of this act three subdistrict trustees in county rural school districts shall be elected by the qualified voters of each such district, one of whom shall serve for a period of one year, one for a period of two years and one for a period of three years. The election shall be conducted as now provided by law, and at the next regular election the three persons receiving the highest number of votes shall be elected subdistrict trustees for a term of one year, two years, and three years, each of whom shall hold office until his successor is appointed and qualified; and said three persons so receiving the highest number of votes shall determine by lot the respective term for which each shall serve, and a record thereof shall be filed with the County Superintendent of Schools of the county in which such election is held. At each succeeding regular election one subdistrict school trustee shall be elected for a term of three years, and he shall hold office until his successor is elected and qualified. Any vacancy or vacancies that may occur in the trusteeship of any school subdistrict shall, upon the recommendation of the county superintendent, be filled by appointment by the County Board of Education, and the trustee thus appointed shall hold office until the next regular election for subdistrict trustees. A majority of said trustees shall control in the performance of the duties imposed by law as now provided. One of their number holding the oldest commission shall preside as Chairman at any of their meetings.

All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 178. An Act amending and re-enacting Section 1992a-18, Kentucky Statutes, Carroll's 1930 Edition.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1992a-18, Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended and re-enacted so that said section as amended and re-enacted shall read as follows:

"No money shall be drawn from the State Treasury except in pursuance of appropriations made by the next preceding General Assembly by the biennial budget appropriation acts. The terms and provisions of the biennial budget appropriation act or acts shall constitute binding limitations upon expenditures from the State Treasury. All prior appropriations heretofore made are hereby repealed save and except the appropriations required by Sections 184 and 185 of the Constitution of Kentucky.

§ 2. All laws and parts of laws in conflict herewith to the extent of such conflict hereby are repealed.

Senator Moss proposed a resolution of the following title:

SENATE RESOLUTION No. 10.

Resolution authorizing James A. Sutton, by his statutory guardian or his next friend to sue the Commonwealth of Kentucky and the State Highway Commission or either.

To Committee on Kentucky Statutes No. 1.

Said resolution reads as follows:

Whereas, on June 12, 1929, the State Highway Commission was engaged in road construction in Whitley County, Kentucky, and in the course of said construction near Wil-

liamsburg, Kentucky, it had a crew of men under the direction of a foreman constructing roads and blasting rocks from said road a right of way, and in the said construction used dynamite and dynamite caps.

That at said date and place above mentioned the crew of workmen had moved on and left in a ditch a quantity of dynamite caps unguarded and exposed to view of children, attractive to and easily accessible to young children and that said caps were negligently and carelessly left on said road way by the agents and employees of the said Commonwealth of Kentucky and the said State Highway Commission.

Whereas, James A. Sutton, an infant, 7 years of age, in company of a smaller brother and sister, came in contact with said dynamite caps which had negligently been left on said roadway and through curiosity was handling some of said dynamite caps, not knowing what they were or that they were dangerous and without such knowledge a dynamite cap exploded in his left hand with such force and violence that it severed his three fingers and thumb of his left hand rendering his said left hand a total loss.

Whereas, his parents are in humble circumstances and unable to properly educate said child and,

Whereas, he has sustained this serious injury and loss of his hand through the alleged carelessness of the employees of the State Highway Commission in the conduct of the State's business; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That James A. Sutton, an infant of Williamsburg, Kentucky, be and he is hereby authorized, empowered and permitted by his statutory guardian or next friend to sue the Commonwealth of Kentucky and the State Highway Commission or either, in the Whitley Circuit Court for such damages

as he may have sustained, if any, by reason of the explosion of the said dynamite cap, and in such suit he is permitted to show and prove all the facts and circumstances as to whether or not the employees of the State Highway Commission were negligent in handling and leaving said dynamite caps on said roadway unguarded and exposed to view of children and if a jury shall decide that there was negligence on the part of the said employees of the Highway Department, and that as a direct and approximate result of said negligence the said James A. Sutton received his injuries, then he may recover of the Commonwealth of Kentucky, such a sum as will fairly and reasonably compensate him for the loss of his fingers and thumb of his left hand.

In the event that any judgment is recovered by the said James A. Sutton, his guardian or next friend in said suit as damages same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer. The Commonwealth of Kentucky and the State Highway Commission or either shall have the right to appeal as in other civil actions.

Senator Edge proposed a resolution of the following title:

SENATE RESOLUTION No. 11

Resolution authorizing E. G. Barrass to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky.

To Committee on Kentucky Statutes No. 1.

Said resolution reads as follows:

Whereas, the State Highway Commission of Kentucky constructed a public highway on project No. 11, in Ohio County, Kentucky, which work was begun in May, 1925, and completed during said year, and whereas said grade and drain of said road was constructed by Ellis & Smeathers, contractors, employed by the State Highway Commission of the

Commonwealth of Kentucky, and whereas said contractors acting pursuant to their contract with the State Highway Commission of Kentucky, removed from the old embankment four hundred and ten (410) feet of opening and only put in one hundred and thirty (130) feet in the road as constructed, and whereas said grade and drain was so negligently and carelessly constructed and maintained as not to have a sufficient amount of opening in the levee, thereby causing the water accumulating on the north side of the levee to run through these small openings with such force as to injure and damage the lands owned by E. G. Barrass on the south side of said levee and adjacent to it, and whereas by reason of said negligent construction and maintenance the lands owned by E. G. Barrass on the south side of said road and adjacent to it were greatly injured and damaged by the waters concentrating in these small openings with such force as to wash and damage the lands owned by E. G. Barrass over which it was forced to go, thereby changing the natural course of the water and not giving sufficient openings for the water to pass through the levee without injury to the lands on the south side of said levee, and whereas the lands owned by E. G. Barrass have been greatly damaged by the negligent construction and maintenance of said road, rendering his farm practically worthless, and whereas the said E. G. Barrass alleges and claims that said damage and injury to his lands was caused entirely by the negligence and carelessness of the State Highway Commission, its agents and employees in the construction and maintenance of said road, and,

Whereas, if the said injury and damage to said lands was caused by the negligence and carelessness of the State Highway Commission, its agents and employees, the said E. G. Barrass should be compensated for his damage and injury to his lands; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That E. G. Barrass be and he is hereby authorized and

permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, in the Ohio Circuit Court for such damage as he may have sustained, if any, by reason of any injury or damage to his lands through the carelessness or negligence of the State Highway Commission of Kentucky, its agents or employees, and in the event any judgment is recovered by the said Barrass in said suit for damage to his lands, same shall be paid by the Auditor by warrant on the Treasurer.

Either party to said suit may appeal from any judgment which may be rendered in the Ohio Circuit Court to the Court of Appeals, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil case.

COMMITTEE REPORTS

Senator Mehler of the Committee on Municipalities, to which had been referred a bill of the following title:

S. B. 13. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the Government of Cities of the second class of the Commonwealth of Kentucky," approved February 12, 1930.

Reported with expression of opinion that same ought to pass.

Senator Ferguson of the Committee on National Parks, to which had been referred a bill of the following title:

S. B. 4. An Act amending Sections 3766e-2, Kentucky Statutes, Baldwin's Kentucky Statutes Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, and 3766e-9, Kentucky Statutes, Carroll's 1930 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, and Section 9, Chapter 164 of the Acts of the General Assembly of 1928, respectively, and declaring an emergency to exist.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 48. An Act authorizing, empowering and directing the Governor to cause an audit, study and survey of all the departments, institutions, boards, commissions and agencies of the Commonwealth; empowering him to employ auditors, accountants, clerks, bookkeepers, attorneys and all other persons necessary to make said audit, study and survey, defining the scope or character of same, and appropriating the sum of One Hundred and Fifty Thousand Dollars ($150,000.00) to be used by the Governor in carrying out the purpose of the Act.

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classification of Cities and Towns, to which had been referred a bill of the following title:

S. B. 16. An Act to amend Section 2740, Kentucky Statutes by Carroll, Official 1930 Edition, also Chapter 89 of the Acts of the General Assembly of Kentucky of 1930, relating to classifications of the cities and towns of the State so as to change the City of Greenville, Muhlenberg County, from a city of the Fifth Class to a city of the Fourth Class, be and the same are hereby amended as follows:

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classification of Cities and Towns, to which had been referred a bill of the following title:

S. B. 60. Bill to provide an appeal from the Board of Equalization cities of the Fifth Class.

Reported with expression of opinion that same ought to pass.

Senator Ferguson of the Committee on Military Affairs, to which had been referred a resolution of the following title:

SENATE RESOLUTION No. 3

Concurrent resolution of the Senate of Kentucky and the House of Representatives of the General Assembly, memorializing the Congress of the United States to make adequate appropriation and appoint a Commission for the purpose of fittingly celebrating the sesqui-centennial of the Siege of Bryan Station and the Battle of Blue Licks, "The Last Battle of the Revolution," in August, 1932.

Reported with expression of opinion that same ought to pass.

It was ordered that said bills and resolution be read the first time at length and placed on the calendar.

CALENDAR

Senator Gates F. Young moved that the second reading of bills at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

S. B. 9. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said Board.

The Constitutional Provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title and placed in the Orders of the Day.

S. B. 32. An Act to amend Section 4421a-36, Carroll's Kentucky Statutes 1931, Baldwin's Supplement Edition, relating to organization of the State Textbook Commission by repealing and re-enacting said section so that when repealed and re-enacted it shall read as follows:

The Constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title and placed in the Orders of the Day.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

MONDAY, JANUARY 25, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Dr. E. W. Baxter of the Episcopal Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Walter N. Flippin	Wm. Isaacs
W. W. Booles	Chas. G. Franklin	Silas Jacobs
H. M. Brock	Perry B. Gaines	Alex E. Johnson
Edwin C. Dawson	Arch Hamilton	L. C. Littrell
Dr. T. J. Edge	J. S. W. Holloway	Frank I. Lloyd
Thos. C. Ferguson	Robert Humphreys	Rev. C. D. McCaw

C.T.McCormick,Sr.	O. M. Rogers	Fred C. VanHoose
Wm. Mehler	J. M. Rose	F. M. White
E. C. Moore	R. H. Royster	Sewell B. Williams
Ray B. Moss	Dr. Lewis Ryans	W. A. Yates
D. C. Naive	E. D. Stephenson	Allie W. Young
Marion F. Pogue	Joe Stewart	Gates F. Young
Dr. G. W. Ragan	Thos. O. Turner	—38

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Lloyd moved that the privileges of the floor be extended to Mr. Frank Johnson and Albert Neurath of Louisville for the entire session for 1932.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Judge David Jones of Harlan.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Mr. T. S. Gates.

Said motion was agreed to.

Senator Humphrey moved that the privileges of the floor be extended to Mr. F. O. Evans of Mayfield.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Mr. and Mrs. Ben Niles of Henderson.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor

be extended to Messrs. Clay Aldridge, Fred Craycraft, Edwin Dooley, Frank Rogers, Claude Taylor and Dr. Dunnigan of Winchester.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be extended to Rev. F. W. Dudine and Rev. John Dudine.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Mr. and Mrs. L. E. Cranor, Miss Loretta Hays, Messrs. S. T. Burns, Geo. H. Rudy, L. W. Hager and R. L. McFarland of Owensboro.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, namely:

By Senator Gates F. Young.

S. B. 179. An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plant and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That cities of the Third Class, whether organized under the general law or special charter law, and including such cities where the Commission form of government has

been adopted, are hereby authorized and empowered to purchase, establish, erect, maintain and operate electric light, heat and power plants, together with extensions and necessary appurtenances thereto, within or without the corporate limits under the provisions of this act for the purpose of supplying such city and the inhabitants thereof with electric light, heat and power.

§ 2. For the purpose of defraying the cost of acquiring any such electric light, heat and power plant, either by purchase, or construction and appurtenances or extensions thereto, any such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six (6) per cent per annum. Such ordinance shall further provide that the proposed electric light heat and power plant and appurtenances which is to be acquired or constructed or the proposed extensions thereto are to be made pursuant to the provisions of this act.

§ 3. One or more electric light, heat and power plants, owned by one or more persons or corporations, may be acquired hereunder as a single enterprise, and the common council or board of commissioners of such city shall have authority to agree with the owner or owners as to the value thereof and to purchase the same at such value.

§ 4. All bonds under the provisions of this act may be issued bearing interest at the rate not exceeding six (6) per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding forty years from the date thereof, and at such place or places as such common council or board of commissioners shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the

qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. In case any of the officers whose signatures or counter-signatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the common council or board of commissioners shall deem for the best interests of such city, or any contract for the purchase or acquisition of any light, heat or power plant may provide that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six (6) per cent. Such bonds when issued shall be payable solely from the revenue funds derived from such light, heat and power plants as provided in Section 9, hereof, and shall not constitute an indebtedness of such city within the meaning of the costitutional provisions or limitations. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this act and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely for the purchase, establishment or erection of such electric light, heat and power plant and extensions thereto and necessary appurtenances, provided such moneys may be used also to advance the payment of the interest on bonds during the first three years following the date of such bonds. And there shall be and there is hereby created a statutory mortgage lien upon the electric light, heat and power plant and appurtenances and extensions so acquired to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

§ 7. The light, heat and power plant so purchased, acquired or constructed, together with the extensions and appurtenances, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds.

Any holder of said bonds or of any of the coupons may, either at law or in equity by suit, action, mandamus, or other proceedings, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this action, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

§ 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said electric light, heat and power plant on behalf of the city, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against said electric light, heat and power plant and for the payment of the operating expenses and to apply the income and revenues in conformity with this act, and the ordinance referred to in Section 9, hereof.

§ 9. At or before the issuance of such bonds the common council or board of commissioners of such city shall, by ordinance, set aside and pledge the income and revenue of such electric light, heat and power plant into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be so set aside and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the service from such electric light, heat and power plant shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the operation and maintenance there-

of an adequate depreciation account. Such rates shall be fixed and revised from time to time so as to produce these amounts.

§ 10. If any surplus shall be accumulated in the operating and maintenance fund, which shall be equal to the cost of maintaining and operating such electric light, heat and power plant during the remainder of the calendar, operating or fiscal year, as may be provided by the ordinance hereinbefore required and the cost of maintaining and operating such electric light, heat and power plant during the succeeding like calendar year, operating or fiscal year, any excess over such amount may be transferred at any time by the council or board of commissioners to the depreciation account to be used for any improvements, extensions or additions to such electric light, heat and power plant.

§ 11. The funds accumulating to the depreciation account shall be expended in balancing depreciation in such electric light, heat and power plant or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the council may designate and if invested, the income from such investments shall be carried into the depreciation account.

§ 12. The reasonable cost and value of any service rendered to such city by such electric light, heat and power plant may be charged against the city and shall be paid for monthly as the service accrues from the current fund or proceeds of taxes which such city is hereby authorized and required to levy in an amount sufficient for that purpose. Such funds so paid shall be accounted for in the same manner as other revenues of such electric light, heat and power plant.

§ 13. Such city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this act. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

§ 14. Should the common council or board of commissioners find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein required.

§ 15. Any city acquiring any electric light, heat or power plant pursuant to the provisions of this act, may, at the time of the issuing of the bonds for such acquisition, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as such proceeds for that purpose may be necessary. Such bonds when so negotiated shall have equal standing with the bonds of the same issue.

§ 16. In like manner, such city acquiring any electric light, heat and power plant under the provisions hereof, may provide for the extension, addition or improvement of such public utility by an additional issue or issues of bonds in the manner herein provided.

§ 17. Such city in acquiring any electric light, heat or power plant under the provisions of this act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and for the security of the bondholders as the common council or board of commissioners of such city may be necessary.

§ 18. The ordinance required by Section 2 and 9 hereof may also set apart bonds hereunder authorized, equal to the amount of any secured debt or charge, subject to which an electric light, heat and power plant may be purchased or acquired, and shall set aside for interest and sinking fund from the balance of the income and revenues of the electric light, heat and power plant remaining after setting aside the funds for the payment of principal and interest of bonds, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordi-

nance shall fix and determine the amount which shall set aside into a securing debt account for interest on such secured debt or charge and a fixed amount to pay the principal thereof at maturity. Any surplus after satisfying the secured debt or charge may be transferred to the fund for the redemption of the principal and interest of the bonds issued thereunder. Bonds may be issued hereunder subject to the provisions hereof in exchange for or in satisfaction of such secured debt or charge, or may be sold in the manner herein provided and the proceeds applied in payment of the same at or before maturity.

§ 19. This act shall be deemed to create an additional and alternate method for the acquisition of an electric light, heat and power plant by any city of the third class and shall not be deemed to include, amend, alter, or repeal any other statute. No proceedings shall be required for the acquisition of any electric light, heat and power plant hereunder, or the issuance of bonds hereunder except such as are prescribed by this act, any provision in the general laws of the Commonwealth of Kentucky or the charter of any city to the contrary notwithstanding.

§ 20. Any city acquiring or constructing an electric light, heat and power plant within or without the city under the provisions of this act, shall by ordinance appoint three commissioners to operate, manage and control said plant to be known as the City Utility Commission.

Said Utility Commission shall have absolute and exclusive control of said electric light, heat and power plant and its operation and fiscal management, regulation or rates and in every other respect provided that in fixing rates said Commission shall be governed by the provisions of Section 9, hereof, and of any ordinance enacted by the city council or board of commissioners as provided in Section 9, hereof.

Said Utility Commission shall provide rules, regulations and by-laws for the management of said plant and out of

the revenue of the plant it shall pay operating expenses, repairs and additions which may be necessary to be made thereto, and provide sufficient reserve fund to insure the said plant is kept in repair and in good working order and to provide against any emergency which may arise. Said Commission shall from time to time pay to the city the surplus revenue derived from the operation of the said plant as is provided in Sections 9 and 10, hereof.

In order that said Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment held any city, county, state or federal office, or who within said period has been a member of any committee of any political party, or who is related within the third degree to the mayor or member of the board of commissioners or member of the board of council of such city. Said Utility Commission shall not appoint to any subordinate office which they may create any person who is related to any of the commissioners or to the mayor of said city or to any member of the board of commissioners or to any member of the board of council of said city. No officer or employee of said city whether holding a paid or unpaid office shall be eligible to be appointed as a member of said Commission or to be employed by the Commission in any capacity. The members of such City Utility Commission shall be citizens, taxpayers, and legal voters of such city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bonds of any officer of said city.

If at any time during the term of office any member of said Commission shall become a candidate for or be elected or be appointed to any public office he shall automatically vacate his membership from said Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for said Commissioners from a surety company, and said Commis-

sioners shall each execute bond in the penal sum of $10,000.00 conditioned upon the faithful performance of his official duties. Said bonds shall be approved by the Board of Commissioners or by the Board of Council as the case may be.

An action may be maintained upon any Commissioner's bond by any person injured by a violation of the covenants therein contained.

The Board of Commissioners or the Council of the city shall fix the salary to be paid to said members of said Utility Commission but not to exceed $300.00 per annum for each Utility Commissioner.

The first Board of Utility Commissioners appointed under this act shall be appointed for terms as follows: One for the term of one year, one for the term of two years, one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 21. This act being necessary for and to secure public health, safety, convenience and welfare of cities in the Commonwealth of Kentucky, shall be liberally construed to effectuate the purpose hereof.

§ 22. If any section or provision of this act is for any reason illegal it is the intention that the remaining section and parts thereof shall remain in full force and effect.

By Senator Turner.

S. B. 180. An Act amending Section Thirty-five Hundred Forty-four a-sixteen (3544a-16) of Carroll's Kentucky Statutes, 1930 Edition, relating to the charter of cities of the fourth class, by repealing and re-enacting said section in amended form, said section, as re-enacted, authorizing suits by the council for taxes due, whether on property assessed or not assessed, and giving a like remedy to boards of education in cities of the fourth class where the boundaries of the

school district are not co-terminal with those of the city; regulating jurisdiction and proceedings and declaring presumptions.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Thirty-five Hundred Forty-four a-sixteen (3544a-16), Carroll's Kentucky Statutes, 1930 Edition, be, and the same is hereby repealed and re-enacted in amended form so as to authorize the board of council of cities of the fourth class to institute suit in the name of the city for taxes due it, whether on property assessed or not assessed, and so as to authorize like action on the part of the Board of Education of such cities where the boundaries of the school district are not co-terminal with those of the city; so that said section, as re-enacted, shall read as follows:

3544a-16. Suits for Taxes; Jurisdiction; Proceedings; Presumptions.—The board of council may order suit to be instituted for the collection and enforcement of any delinquent tax bill and lien therefor, or for any unpaid taxes on property not assessed; and the Board of Education, in cities in which the boundaries of the school district in which the city is located are not co-terminal with those of the city, shall have a like remedy for taxes due it, whether such taxes be due on property assessed, and may maintain an action therefor in its own name. All such suits for taxes on realty, or on realty and personalty together, shall be brought in the circuit court of the county wherein the city is located, and where the city or board has a lien such lien shall be enforced as other liens are enforced, and all suits for taxes on personalty may be brought in the police court of the respective city; and in all such suits the production of the tax bill shall be prima facie evidence of the correctness thereof, and that all proper steps were taken to fix the lien therefor.

By Senator Yates.

S. B. 181. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road beginning at Haywood, Barren County, Kentucky, by the way of Rocky Hill and Finney, Barren County, Kentucky, to Berry's Store, Warren County, Kentucky, thence to Hydro, Warren County, Kentucky, connecting with Road Project No. 80 in Warren County, Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Haywood, Barren County, Kentucky, by the way of Rocky Hill and Finney, Barren County, to Berry's Store, Warren County, Kentucky, thence to Hydro, Warren County, Kentucky, connecting with Road Project No. 80 in Warren County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all of the terms and provisions set out and provided for in Chapter 17 in the Acts of the General Assembly, 1920, as amended.

By Senator Stephenson.

S. B. 182. An Act relating to the fiscal administration of the State government and providing for retrenchment and reform therein, and, to that end, repealing all continuing and blanket appropriations, other than those hereinafter specifically excepted, so as to enable the Budget Commission to establish an adequate budget procedure, and to control more effectively State expenditures, and solely in pursuance of

this purpose, to amend Sections 33a-14, 42e-1, 63c-21, 68n-15, 955a-9, 1925a-10, 2007k-9, 2054, 2054a-8, 2060a-13, 2060a-14, 2061a-27, 2290a-1, 2438a-2, 2438c-7, 2711a-53, 2711a-55, 3807, 3810, 3942b-1, 4223d-4, 4224b-8, and Subsection 4 of Section 2711a-128, and Subsection 8 of Section 2739f-4, Carroll's Kentucky Statutes, 1930 Edition, and Section 4019, Baldwin's Kentucky Statute Service, 1931 Edition, being Chapter 152 of the Acts of 1930, and Section 4376b-1, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 1 of Chapter 36, Acts of 1930, and to repeal Sections 37-13, 42, 42c-3, 42f-6, 415a-6a, 415a-7, 415a-10, 2054a-20, 2061a-28, 2062c-1, 2062c-2, 3942-2, 4018, 4535b-5, 4636f-5, Carroll's Kentucky Statutes, 1930 Edition, and Section 4202a-9, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 9 of Chapter 149 of the Acts of 1930.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 33a-14, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: All salaries, office expenses and necessary traveling expenses incurred in the regular performance of the duties of the inspectors shall be paid out of the fund provided in the budget for the department and biennially appropriated by the General Assembly for that purpose. The biennial reports of the Department of Labor, also an adequate number of pamphlets containing abstracts of the labor laws of Kentucky and such other educational material as the commissioner may deem advisable, shall be printed by the public printer under the direction of the commissioner of public printing and paid for out of the general fund provided by law for the printing for the executive departments.

§ 2. That Section 37-13, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 3. That Section 42, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 4. That Section 42c-3, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 5. That Section 42e-1, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended, shall read as follows: For the use and benefit of the Kentucky State Horticultural Society provision for its expenses shall be as set forth in the budget and the amount thereof biennially appropriated by the General Assembly for that purpose.

§ 6. That Section 42f-6, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 7. That Section 63c-21, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: That for the use of said board in carrying out the provisions of this Act there shall be provided a sum fixed in the budget and biennially appropriated by the General Assembly for that purpose, and not otherwise.

§ 8. That Section 68n-15, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: A sum sufficient to carry out the provisions of this Act shall be provided for in the budget not to exceed in the aggregate the amount biennially appropriated by the General Assembly for that purpose. Said State inspector shall render itemized accounts of all expenses in his report to the Commissioner of Agriculture. Any deputy inspector appointed as provided in Section 1 of this Act, shall receive as compensation for any services he may render under this Act by virtue of said appointment five dollars for each full day, and two dollars and fifty cents for

each half day and all necessary and actual expenses incurred while actually engaged in the performance of such services. Such fees for said services and such necessary and actual expenses of such deputies shall be audited by the county judge of the county in which said services shall have been rendered and be paid by said county to such deputy inspector as other county claims are paid.

§ 9. That Sections 415a-6a, 415a-7, and 415a-10, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby are repealed.

§ 10. That Section 955a-9, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The cost of publishing the Kentucky Reports and the pamphlet opinions shall be paid out of the State treasury from the budget fund provided for same and biennially appropriated by the General Assembly for that purpose.

§ 11. That Section 1925a-10, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The expenses of carrying out the provisions of this Act shall be provided for in the budget and the amount thereof biennially appropriated by the General Assembly for that purpose, including the establishing and maintaining of quarantines, traveling expenses, inspections of all sorts required by the State entomologist in the performance of his duties, the printing of bulletins, circulars, reports and the payment of the salary of a deputy entomologist and assistants, hereby provided for, and who shall be appointed by the State entomologist. The salary and other necessary expenses for the enforcement of the Act shall be paid from the sum appropriated, by warrants upon the auditor of public accounts drawn by the State entomologist, and countersigned by the business agent of the University of Kentucky, and said business agent shall keep proper records and vouchers on file in his office for all receipts of fees and all expenditures.

§ 12. That Section 2007k-9, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The expenses of the geological, chemical, technical, soil and other investigations authorized by this Act, including all salaries and field expenses, clerical assistance, laboratory, field equipment, supplies, freight charges, and all necessary miscellaneous items of permanent improvement to the property and effects of the Kentucky Geological Survey, and for topographical surveys in co-operation with the United States Geological Survey, subject to the provisions of Kentucky Statutes, Section 2007k-5 of this Act, shall be provided for in the budget and appropriated biennially by the General Assembly for that purpose; provided, that in the event it should at any time prove that said co-operative work is not being conducted to the best advantage to the State, the director of the Kentucky Geological Survey is hereby authorized to withdraw from such co-operation, when so advised by the Governor, and the mapping may be continued by the Kentucky Geological Survey alone, or the unexpended balance turned back into the treasury and the appropriation for said co-operative surveys cease or be used for such other necessary purposes of the survey as the director may indicate.

§ 12a. That Section 2054, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended by striking therefrom the following language, to-wit:

"That the sum of seventy-five thousand dollars ($75,000.00) per annum, or so much thereof as may be found necessary by the State Board of Health, is hereby appropriated for the use of such board to establish and maintain,"

And in lieu thereof inserting the following language, to-wit: For the use and benefit of the State Board of Health, and in particular for the purposes set forth in the following subsections of this section, a sum certain shall be fixed in the budget and biennially appropriated by the General Assembly.

§ 13. That Section 2054a-8, Carroll's Kentucky Statutes,

1930 Edition, be and the same hereby is amended, and as amended shall read as follows: Upon creation of such county or district department of health, the fiscal court of the county, or the fiscal courts of the several counties, where more than one county took action as herein provided to create, establish and maintain a district health department, shall at once notify the State Board of Health of the action of the county or counties to create, establish and maintain a county or district health department. That there is hereby created a fund for the purpose of extending State aid to counties or districts establishing and maintaining county or district departments of health as provided in Kentucky Statutes, Section 2054, as amended in 1918. When the duly qualified officials of a county or district certify to the State Board of Health a true copy of the order or vote establishing such health district and providing for its maintenance, and shall state the amount of the annual appropriation provided by said county or district, then, and in that event, the State Board of Health shall make an investigation as to the necessity for the development of such a county or district health department, and the adequacy of appropriation made therefor, and shall report their findings to the Governor of the Commonwealth in writing. If the county or district department of health so established is maintained upon the standards required by the rules and regulations of the State Board of Health, and with the approval in writing of the Governor of the Commonwealth, it shall be the duty of the auditor to draw his warrant in favor of the State Board of Health for the use of each county which has established and proposes to maintain such county or district health department such sum as may be fixed in the budget and biennially appropriated by the General Assembly for that purpose, and itemized statements of the entire expenditures for such county or district health department are to be filed with the auditor.

§ 14. That Section 2054a-20, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 15. That Section 2060a-13, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and

as amended shall read as follows: The University of Kentucky shall employ a director of the laboratories for the work of the board, whose qualifications shall include technical and scientific training and experience in public health work, and if at any time the board finds that such director is incompetent, neglectful or unsuited for the work, upon the written request of said board, the University of Kentucky shall forthwith employ another director to be chosen as herein provided. The university may apoint such assistants as may be necessary for the conduct of the work of the laboratories. The compensation of said director and assistants shall be paid in the same manner as instructors in the University of Kentucky, from the funds provided in this Act. The director of said laboratory or laboratories, at the direction of the State Board of Health, shall keep and furnish such a supply of shipping and mailing containers and other laboratory equipments and supplies as may be necessary to execute the work of the board; provided, the total cost to the said station, as may be set forth in an itemized statement to the board, shall not exceed the sum of money paid to said station by the board as provided herein. The said station shall be paid such sums as may be provided in the budget and biennially appropriated by the General Assembly for that purpose.

§ 16. That Section 2060a-14, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The said board may fix reasonable fees for the examination of samples of foods or drugs, or labels for the same, submitted by manufacturers or dealers, for the purpose of determining as to whether any such products or labels comply with the provisions of this law, and reasonable fees for the examination of labels and inquiry into other matters connected with the enforcement of this Act, and which may be requested of the said board. And whenever a sample has been found to be adulterated or misbranded, the said board shall collect a fee, not to exceed fifteen dollars ($15.00), to cover the costs of investigation or analysis, to be taxed as costs and paid by the magistrate, police judge or clerk of any court in which prosecution is

brought, and is in favor of the Commonwealth, to the auditor of public accounts or by the State Board of Health, at civil suit, and all such fees so collected shall be paid into the State treasury.

§ 17. That Section 2061a-27, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: Every tuberculosis sanatorium district within the provisions of this Act shall, from and after the passage of this Act, be entitled to receive semi-annually, on the first days of January and July in each year, out of the State treasury, from funds not otherwise appropriated, such sum or sums as may be fixed in the budget and biennially appropriated by the General Assembly for that purpose.

§ 18. That Section 2061a-28, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 19. That Sections 2062c-1 and 2062c-2, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby are repealed.

§ 20. That Section 2290a-1, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: For the use and benefit of the Kentucky Historical Society there shall be a sufficient sum fixed in the budget and biennially appropriated by the General Assembly for that purpose, which sum shall be used by said society for the purposes set out in the preamble of this Act, namely to pay the secretary-treasurer, and to pay for printing, editing the register, stationery, postage, stenographic aid, purchase of objects of historic interest, and to meet other incidental expenses. The secretary-treasurer shall give an annual bond for the proper performance of the duties of said office and the proper accounting for all funds that may come into the hands of said society. The salary of said secretary-treasurer, to be fixed by the society, shall not exceed twelve hundred dollars ($1,200.00) per annum.

That the Kentucky Historical Society shall prepare and publish periodically a magazine, The Register, and pamphlets and records and such matters of general historical interest and such other matters as the society may demand; said printing to be included in the contract for first-class printing. The Governor, ex-officio presiding officer of this society, shall require a full and correct account of the expenditures of the funds appropriated to it to be made annually to the Auditor of Public Accounts, and laid before each session of the General Assembly.

§ 21. That Section 2438a-2, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: That each of said commissioners shall hold office for a term of four years, and until their successors are duly appointed, but nothing herein contained shall be construed to render a commissioner who has faithfully performed his duties ineligible for re-appointment. No member of said commission shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursements for expenses in performing the duties of his office, from a sum certain to be fixed in the budget and biennially appropriated by the General Assembly for that purpose.

§ 22. That Section 2438c-7, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: To carry out the provisions of this Act a sum certain shall be fixed in the budget and biennially appropriated by the General Assembly for that purpose.

§ 23. That Section 2711a-53, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The State military fund shall be fixed in the budget and biennially appropriated by the General Assembly for that purpose, which fund shall be disbursed from time to time, by the authority of the Governor, and under such regulation as he shall prescribe for the

organization, administration, arming, equipping, and uniforming the Kentucky National Guard, the purchase of tactics, manuals and regulation of the United States; for the instruction of the Kentucky National Guard; for the publishing of regulations and orders for their government; for the rental of armories; for the care and preservation of public property; for the purchase of such camp and garrison equipage and military stores as may be necessary, and generally as in his judgment may best promote the interest of the Kentucky National Guard. This appropriation shall remain available until expended, and any balance remaining at the end of one fiscal year shall be carried forward and credited to the State military fund for the succeeding fiscal year.

§ 24. That Section 2711a-55, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: Except when in the service of the United States, officers and enlisted men, when employed in active service, as provided and as defined in this Act, beginning with the day they assemble at their armories or other designated places until the day they have returned thereto and have been properly relieved, inclusive, fractional parts of a day counting a full day, a day defined as beginning immediately after midnight and ending the following midnight, shall receive pay and allowances at the following daily rates: Officers: Major general, twelve dollars ($12.00); brigadier general, ten dollars ($10.00); colonel, eight dollars ($8.00); lieutenant colonel, seven dollars ($7.00); major, six dollars ($6.00); captain, five dollars ($5.00); first lieutenant, four dollars and fifty cents ($4.50); second lieutenant, four dollars ($4.00); and in addition the cost of hire of rental of quarters when impracticable to be quartered in tents, and the cost of hire of one horse and one forage ration when required to be mounted; officers shall provide their own rations. Enlisted men: Chief musician, three dollars ($3.00); regimental sergeant-major, regimental quarter-master sergeant, regimental commissary sergeant, first sergeant and principal musician, two dollars and fifty cents ($2.50); battalion sergeant-major, color sergeant and drum major, two dollars and twenty-five

cents ($2.25); company quarter-master sergeant, sergeant first class, sergeant and cook, two dollars ($2.00); corporal and artificer, one dollar and seventy-five cents ($1.75); musician, private first, and private, one dollar and fifty cents ($1.50). Each enlisted man shall be entitled to one ration per day, or commutation of same at actual cost of subsistence not exceeding seventy-five cents (75c) per day. The pay and allowances authorized by this section shall be paid out of a sum fixed in the budget and biennially appropriated by the General Assembly for that purpose, and drawn from the treasury on warrants of the Auditor of Public Accounts, on organization pay rolls or vouchers for individuals, certified by the proper commanding officer and approved by the adjutant general and the Governor, by their own signatures; provided that in no event shall any such pay or allowance exceed, in the aggregate, the amount fixed in the budget.

§ 25. That Subsection 4 of Section 2711a-128, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The amount of the Armory Fund provided for by this Act shall be determined by the amount fixed in the budget and biennially appropriated by the General Assembly for that purpose.

§ 26. That Subsection 8 of Section 2739f-4, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The amount to be annually appropriated for the use and benefit of "My Old Kentucky Home Commission" for the maintenance of the "Old Kentucky Home" as a memorial, shall be determined by the amount fixed in the budget and biennially appropriated by the General Assembly for that purpose, and the same shall be paid out only on the warrant of the Auditor of Public Accounts issued on requisition of the Commission.

§ 27. That Section 3807, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: It shall be the duty of the commissioners to hire out to a contractor or contractors all

the convicts able to perform manual labor, to be worked within the walls of the penitentiaries. Such hiring shall be to the highest and best bidder, after due advertising, and the labor in both penitentiaries may be hired to one person, or the labor in whole or in part in each penitentiary may be hired to different contractors. The commissioners shall make it a condition precedent to the consummation of the contract that the number of the convicts so hired may vary, and such variation in number shall in no wise affect the contract or impair its obligation. Each bid shall specify the price proposed to be paid for the labor per head, and shall be accompained by a bond with sureties, who shall be worth in the aggregate double the amount that may be due the State at any time under the stipulations of the proposed contract, to the satisfaction of the commissioners that the bidder will comply with the terms thereof. The bids shall be opened by the commissioners on the last day named in the advertisement for receiving the same, and be awarded to the highest and best bidder, the commissioners having the right to reject all bids. The price agreed to be paid shall be paid in monthly or quarterly installments by the contractor as the commissioners may determine, and it is hereby made a condition precedent to the contract that on failure of lessee or lessees to pay any installment within one month after the same is due, the commissioners may elect to declare the lease forfeited for non-payment of rent, giving the lessees thirty days' notice in writing declaring a forfeiture thereof, and the commissioners may take possession without further notice. The term for which said convicts may be hired shall not be more than four years with the privilege of renewal, and the contractor shall obligate himself to faithfully conform to all the rules and regulations that may be established by the commissioners touching all sanitary and police matters and for the government of the prison. Upon the execution of the bond as above required and the acceptance of the bid, the contractor shall be entitled to the labor of said convicts, the various shops and power therein belonging to the State. But after due advertisement as above set forth, if the commissioners fail to secure such a bid as is acceptable to them, then they

may hire the convicts to a contract or contractors by private contract, and such contract when made, shall be consummated in all respects, and shall contain the same stipulations and provisions as is required in this section for a contractor who hires said convicts by public bid. Whenever the bond of any contractor shall be deemed insufficient by said commissioners they shall require such additional security as may be necessary to make the bond to the State amply good and sufficient. The commissioners shall have power to furnish for the use of the prisoners such reading matter of a religious, literary and scientific character as in their judgment will tend to develop the moral and business character of the prisoners, and for which purposes a sum certain shall be fixed in the budget and biennially appropriated by the General Assembly.

§ 28. That Section 3810, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: The business of the institution shall be conducted as near as possible on the cash system, and no account of the work done or article sold shall be permitted to run longer than four months. Actions or suits for the recovery of money upon any debt, demand or claim for work done by labor of the convicts or for manufacturers, or for articles sold, or upon any contract made with the warden, shall be brought and prosecuted in the name of the Commonwealth of Kentucky in the Franklin circuit court, and the affidavit of the clerk of the prison certifying that such debt, claim or demand is just and correct, shall be prima facie evidence that the same is justly due and owing, and the onus shall devolve upon the defendant or contesting party to prove the contrary.

§ 29. That Section 3942b-1, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: All employees of the commissioners of the sinking fund employed to keep the State Capitol, grounds, governor's mansion and other State property in connection therewith in proper condition shall be compensated from an amount fixed in the budget and biennially appro-

priated by the General Assembly for that purpose, and the sinking fund commissioners shall fix the salaries of all officers or employees that may be selected by it for said purpose, and the same shall be paid monthly as other salaries.

§ 30. That Section 3942d-2, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 31. That Section 4018, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 32. That Section 4019, Baldwin's Kentucky Statute Service, 1931 Edition, being Chapter 152 of the Acts of the General Assembly of 1930, be and the same hereby is amended, and as amended shall read as follows: An annual ad valorem tax for State purposes of thirty (30) cents upon each hundred dollars ($100.00) of value of all real estate directed to be assessed for taxation, as provided by law and fifty cents upon each one hundred dollars ($100.00) of value of all other property directed to be assessed for taxation, as provided by law shall be paid by the owner, person or corporation assessed; except a tax at the rate of one-tenth of one per cent (0.1%) shall be paid annually upon the amount of deposits in any bank, trust company, or combined bank and trust company organized under the laws of this State, or in any national bank of this State, as now provided by law; and also including building and loan associations incorporated under the laws of this State, and making loans to members only, which association shall be assessed except as otherwise provided by law in the manner and at the rate now set forth in Chapter 14 of the Acts of the extraordinary session of the General Assembly of 1917. For the support of common schools; for the use of the sinking fund; for the support and erection of building for the University of Kentucky, at Lexington; for the support and erection of buildings for the Eastern Kentucky State Normal School and Teachers College, at Richmond; for the support and erection of buildings for the Western Kentucky State Normal School and Teachers College, at Bowling Green; for the support and erection of build-

ings for the Morehead State Normal School and Teachers College, at Morehead; for the support and erection of buildings for the Murray State Normal School and Teachers College, at Murray; and for the use of the Kentucky National Park Commission in the acquisition and maintenance of lands and other property for National Park purposes within the area designated by an Act of Congress of the United States, approved May 25, 1926, entitled "An Act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky and for other purposes," an amount or amounts shall be provided in the budget and biennially appropriated by the General Assembly therefor.

§ 33. That Section 4202a-9, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 9 of Chapter 149, Acts of 1930, be and the same hereby is repealed.

§ 34. That Section 4223d-4, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: Any unexpended balance, after deducting the cost of administration of this law, shall at the end of each fiscal year beginning with and including the fiscal year ending June 30, 1932, be paid into the State treasury.

§ 35. That Section 4224b-8, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended, and as amended shall read as follows: It shall be the duty of the State tax commission to administer and enforce the provisions of this act; and it is hereby authorized and empowered to prescribe all blanks, forms and reports necessary to carry out the provisions of this act. It shall certify each month to the State auditor the total amount of tax paid or collected from each wholesale dealer during the preceding month under the provisions of this act, and shall accompany said certification with the checks received by it for the payment of said tax and penalties, if any. All costs and expenses incurred by the State tax commission in the administration of this act shall be paid from an amount fixed in the budget and biennially appropriated by the General Assembly for that purpose.

§ 36. That Section 4376b-1, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 1 of Chapter 36, Acts of 1930, be and the same hereby is amended, and as amended, shall read as follows: All appropriations from the General Fund of the State Treasury to be used for educational purposes and to be expended and administered under the direction and supervision of the State Board of Education, as provided in this act, shall be fixed in the budget and biennially appropriated by the General Assembly for that purpose.

§ 37. That Section 4535b-5, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 38. That Section 4636f-5, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 39. It is hereby declared to be the intention of the General Assembly in the enactment of this law to abolish continuing and blanket appropriations, but in so doing it is also specifically declared to be the intention of the General Assembly to enact each and every one of the sections herein contained separately and independently of each of the other sections herein contained, and, therefore, in the event that any section should be declared void or unconstitutional by any court of competent jurisdiction, such decision shall not affect the remainder of this act nor any other section thereof.

§ 40. All continuing and blanket appropriations heretofore enacted by the General Assembly providing for the payment or withdrawal of moneys from the State Treasury are hereby repealed, save and except the appropriations or funds provided for by Sections 184 and 185 of the Constitution of Kentucky, and save and except the appropriations heretofore enacted for the use and benefit of the Highway Commission or the State Road Fund from gasoline taxes and automobile and motor bus license taxes.

§ 41. The enumeration in this act of the statutes of Kentucky containing continuing and blanket appropriations, and the amendment of the same by setting forth so much of

said sections as are amended and publishing the same at length, and the repeal of the same, shall not be construed to impliedly exclude from the operation of this act the repeal of any other appropriation not expressly enumerated herein.

§ 42. That all sections of the statutes of Kentucky heretofore enacted by the General Assembly fixing the amount of salaries of public officials and other employees of the State government, and not repealed by this act, shall not be construed as appropriating thereby such sum or sums; that is to say, said sections shall not be construed to be self executing, but that the sum or sums therein set forth shall be placed in the budget as a fixed charge by the Budget Commission and biennially appropriated by the General Assembly for that purpose.

§ 43. *Whereas,* it is the duty of the Budget Commission while the General Assembly is sitting in its regular biennial session to recommend to the Legislature the amounts of appropriations required by the various departments, boards, commissions, institutions, offices, agencies, societies, associations, services, or other organizations of the State government, and

Whereas, the Governor of the Commonwealth of Kentucky has officially informed the General Assembly that the need for retrenchment and reform in the fiscal affairs of the government is imperative and immediately necessary so as to enable the said Budget Commission to provide a more adequate and effective budget procedure and to keep the expenditures from the State treasury within the current revenues of the Commonwealth of Kentucky, and

Whereas, it being necessary that this purpose should be accomplished before the final adoption of the budget and appropriation acts for the two fiscal years next ensuing,

Therefore, an emergency is hereby declared to exist, and this act shall become effective immediately upon its passage by the General Assembly and approval by the Governor.

§ 44. The sole purpose of this act is to eliminate the continuing and blanket appropriations as provided in this act by amending the procedure by which appropriations are made for the use and benefit of the various departments, boards, commissions, institutions, offices, agencies, societies, associations, services, or other organizations, and for the purpose of accomplishing this result the provisions of this act, in its entirety, and each section thereof separately, shall be liberally construed.

§ 45. All acts or parts of acts in conflict herewith, to the extent of such conflict, are hereby repealed.

By Senator Franklin.

S. B. 183. An Act to amend section 28 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition and relating to bail in criminal cases.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 28 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition, be amended by adding thereto the following:

"If the offense charged be a felony and if it be bailable, the magistrate or the judge of the county court who issued the warrant may in his discretion make such indorsement on the warrant fixing the amount of bail and such indorsement shall likewise authorize the sheriff, or his deputy or any such constable to take the bail;" so that said section when amended and re-enacted shall read as follows:

"If the offense charged be a misdemeanor, the person arrested may immediately give bail for appearing on a day

to be named in the bailbond, either before the magistrate who issued the warrant or the judge of the county court, for an examination of the charge, or before the court having jurisdiction to try the offense; and an indorsement to that effect, stating the amount of the bail to be given, and that the bail may be taken by the sheriff of the county where the arrest is made or where the offense was committed or by any constable making the arrest shall be made on the warrant of arrest, and such indorsement shall authorize the sheriff, or his deputy or any such constable to take the bail. If the offense charged be a felony and if it be bailable, the magistrate or the judge of the county court who issued the warrant may in his discretion make such indorsement on the warrant fixing the amount of the bail and such indorsement shall likewise authorize the sheriff, or his deputy or any such constable to take the bail."

By Senator Franklin.

S. B. 184. An Act to amend section 110 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 110 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition, be and the same is hereby amended and re-enacted so that when amended and re-enacted it will read as follows:

"That no person except the Commonwealth's and county attorneys and the witness under examination shall be present while the grand jury is examining a charge, and no person whatever while they are deliberating or voting on the charge, except that authority is hereby given to the Commonwealth's

attorney to appoint a stenographer, who shall on order of the said Commonwealth's attorney with the approval of the Circuit Judge, attend any session of the grand jury in any county of said district and be present during the examination of any witness or witnesses before the grand jury and shall make full and correct notes of the testimony of the witnesses, and, when ordered by the Commonwealth's attorney, with the approval of the Circuit Judge, shall transcribe same and deliver same to the Commonwealth's attorney, properly certified by said stenographer, and said transcript shall be kept by the said Commonwealth's attorney for his use; and said transcript may be introduced and used in court as competent and legal evidence for the purpose of contradicting any witness whose testimony was taken upon said hearing before said grand jury. For services said stenographer shall be paid a reasonable compensation upon an order of the circuit court, and paid by the fiscal court of the county where such services are rendered, but the compensation herein provided for shall not exceed the sum of five ($5.00) dollars per day for attendance upon the hearing of said grand jury and in addition thereto not exceeding 15 cents per each one hundred words of said transcript for services in transcribing the notes of said testimony. Said stenographer shall be required, before entering upon these duties, to qualify by taking the oath required by all officers under the Constitution of Kentucky to faithfully discharge the duties as such, and said stenographer shall further be sworn not to disclose, or make known, directly or indirectly, to any person or persons, anything that occurred, was stated or given in the evidence, or transpired, bearing upon any case or investigation before the grand jury. Said stenographer shall make out a correct and full transcript of such testimony so taken, when directed to make same by the Commonwealth's attorney with the approval of the Circuit Judge, and the same shall be promptly delivered to the Commonwealth's attorney."

By Senator Franklin.

S. B. 185. An Act to amend section 36 of Carroll's Code

of Criminal Practice, Baldwin's 1927 edition, relating to arrests.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 3 of section 36 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition, be amended and re-enacted so that said section 36 when amended and re-enacted shall read as follows:

A peace officer may make an arrest—

1. In obedience to a warrant of arrest delivered to him.

2. Without a warrant, when a public offense is committed in his presence, or when he has reasonable grounds for believing that the person arrested has committed a felony.

3. That such peace officer with a warrant of arrest may cross a county line and proceed as far as two miles therefrom for the purpose of making the arrest in the adjoining county or counties; provided, that such peace officer, when in the actual pursuit of an offender, may go so far as may be necessary for the purpose of making such arrest.

By Senator Franklin.

S. B. 186. An Act to amend section 1594 of Carroll's Kentucky Statutes, Baldwin's 1930 revision, relating to prosecutions for offenses in elections.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1594 of Carroll's Kentucky Statutes, Baldwin's 1930 revision, be repealed, amended and re-enacted to read as follows:

In any prosecution under this chapter, it shall be no exemption for a witness that his testimony may incriminate himself; but no such testimony given by a witness shall be used against him in any prosecution, except for perjury; and if used on behalf of the Commonwealth, he shall stand discharged from all penalty for any violation of this chapter, so necessarily disclosed in his testimony, as tending to convict the accused.

By Senator Franklin.

S. B. 187. An Act to amend section 2251 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2251 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision, be amended and re-enacted so that when amended and re-enacted it shall read as follows:

"Grand jurors shall be paid for their services each Three Dollars ($3.00) per day and shall not remain in session longer than six (6) days at any term unless by order entered of record by the court they are permitted to sit longer, which order shall not be entered unless for good cause shown in writing signed by the foreman. Such cause in writing so signed by the foreman shall be placed upon the order book of

the court not later than the close of the next succeeding term. No act of the grand jury during any extended session shall be invalid because of any failure to show cause for such extension, or for failure if cause be shown for such extension to place same upon the order book of the court, but failure to show cause for an extension of the term as herein provided shall deprive the jurors of compensation during such extended term."

By Senator Franklin.

S. B. 188. An Act to amend section 191 of the Criminal Code of Practice relating to the formation of the jury and providing for a thirteenth juror in certain cases.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 191 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition, be amended and re-enacted to read as follows:

When an issue of fact in a criminal prosecution is about to be tried, the clerk shall draw, in the manner directed by the Kentucky Statutes, the names of twelve jurors, who, if not challenged by the parties, nor excused by the court, shall compose the trial jury; provided, that, at the sound discretion of the court, in all capital or other felony cases, a thirteenth juror may be selected and qualified and throughout the trial shall be treated as one of the jury, provided however that said thirteenth juror shall take no part in the deliberations or verdict of the jury except when one of the twelve has been excused by the court upon some reasonable ground. The said thirteenth juror shall be selected and qualified as now provided by law for the other jurors, save that no additional

peremptory challenges shall be allowed on account of the selection and qualification of such thirteenth juror.

By Senator Franklin.

S. B. 189. An Act to amend sections 4643 and 4645a-5 of Carroll's Kentucky Statutes, Baldwin's 1930 revision, relating to testimony in judicial proceedings.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4643 of Carroll's Kentucky Statutes, Baldwin's 1930 revision, be amended and re-enacted so that when amended and re-enacted it will read as follows:

"That testimony of any witness or witnesses taken by said reporter in any court or division as aforesaid shall constitute a part of the record of the case, and may, in the discretion of the presiding judge, be used in any subsequent trial of the same case between the same parties, where the testimony of such witness or witnesses can not be procured, which fact must be made to appear satisfactorily to the court by the affidavit of the party desiring to use the same, or his attorneys."

§ 2. That section 4645a-5 of Carroll's Kentucky Statutes, Baldwin's 1930 revision, be amended and re-enacted to that when re-enacted it will read as follows:

"The testimony of any witness or witnesses taken by said reporter in any court as aforesaid shall constitute a part of the record of the case, and may, in the discretion of the presiding judge, be used in any subsequent trial of the same case between the same parties, where the testimony of such

witness or witnesses can not be procured on account of sickness or death, which facts must be made to appear satisfactorily to the court by the affidavit of the party desiring to use the same, or his attorney."

By Senator Franklin.

S. B. 190. An Act to amend section 237 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition, relating to separate trials in felony cases.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 237 of Carroll's Criminal Code of Practice, Baldwin's 1927 Edition, be amended and re-enacted so that the same when amended and re-enacted shall read as follows:

"If two or more defendants be jointly indicted for a felony, the court, in its discretion may grant or refuse any defendant a separate trial."

By Senator McCaw.

S. B. 191. An Act prescribing the purpose, duties and authority of the Department of Labor.

To Committee on Labor and Manufacturing.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby made the purpose and duty of the

Department of Labor and authority is hereby conferred on the said department:

(a) —to foster, promote and develop the welfare of the wage earners, to improve their working conditions and to advance their opportunities for profitable employment.

(b) —to enforce the laws of the State pertaining to working hours, wages and working conditions, and to enforce the laws and lawful rules and regulations pertaining to health, sanitation, fire prevention and safety to life in places of employment.

(c) —to acquire and diffuse information in relation to the prevention of industrial injuries, accidents and occupational diseases and other related subjects, and the department shall promote the prevention of industrial injuries, accidents and occupational diseases to the fullest extent;

(d) —to acquire and diffuse useful information on subjects connected with labor in the most general and comprehensive sense of that word, and concerning the means of promoting the material, social, intellectual and moral prosperity of laboring men and women;

(e) —to acquire information and report upon the general conditions, so far as production is concerned, of the leading industries of the State, and to collect, collate, assort, systematize and report statistical details of the manufacturing industries and commerce of the State;

(f) —to acquire and diffuse information as to the conditions of employment, and such other facts as may be deemed of value to the industrial interests of the State;

(g) —to collect, collate, assort, systematize and report statistical details relating to all departments of labor, especially in its relation to commercial, industrial, social, educational and sanitary conditions, and to the permanent prosperity of the manufacturing and productive industries;

(h) —to require in such form as may be prescribed, reports from employers as may be necessary to carry out the purposes and duties imposed by this Act, and, in default thereof and after reasonable demand, such defaulting employer shall be liable to a fine of not less than ten dollars, nor more than one hundred dollars;

(i) —data collected under authority herein granted shall not be made public in such form as to disclose the private affairs of individuals, firms or corporations;

(j) —to compute and report, from data collected, monthly index numbers showing the trend and volume of employment and earnings, and, so far as feasible, the trend and volume of unemployment, in the various industries, trades, occupations and localities in this State;

(k) —the department in collecting statistics, devising forms, and preparing and publishing reports, shall, so far as feasible, cooperate with agencies of the United States and other States engaged in similar activities, to the end that uniform methods for collecting, compiling and publishing such statistics may be adopted, and duplication and other wastes may be avoided.

By Senator McCaw.

S. B. 192. An Act to establish an employment service; providing for cooperative agreement with county, municipal, school and Federal government agencies; prescribing the duties and authority of the chief officer of the Department of Labor to carry out the objects of this Act.

To Committee on Labor and Manufacturing.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to provide an employment service for

men, women and minors seeking employment; for employers seeking employees; to stabilize employment; to cooperate with counties, municipalities, school and the United State Employment Service; for the extension of vocational guidance to minors and aid to the physically handicapped, there is hereby established in the Department of Labor a "Kentucky Employment Service," and

§ 2. It shall be the duty of the chief officer of the Department of Labor and he is hereby empowered subject to the advice and consent of the Commissioner of Agriculture, Labor and Statistics:

(a) to establish and conduct employment offices in the State where such offices are deemed advisable:

(b) to ascertain and make known the opportunities for employment;

(c) to create and maintain such divisions of the employment service as will best serve the public welfare;

(d) to cooperate with existing State and Federal agencies in extending vocational guidance to minors seeking employment;

(e) to render especial assistance to physically handicapped persons seeking employment, to help them become self supporting and aid in the support of their dependents;

(f) to cooperate with county agricultural agents and farmers' agencies to ascertain needs of labor and mobilization and distribution of labor among the agricultural classes;

(g) to devise and adopt the most efficient means to avoid unemployment;

(h) to establish relations with employers and organizations for the purpose of supplying demands for labor, for the stabilizing and prevention of unemployment;

(i) to make public through newspapers and other media information as to employment available;

(j) to investigate economic developments, the extent and causes of unemployment and remedial projects advanced by agencies, private or governmental, for the purpose of preparing for the General Assembly facts which may make further legislation desirable;

(k) to collect, collate and publish statistical and other information from all sources considered pertinent to the work within the employment service jurisdiction and shall use this data in the publication and dissemination of changing social and economic conditions that might adversely affect employers, employees and the general public;

(l) to correlate the functions of the employment service with private and public agencies such as the United States Employment Service, the United States Bureau of Labor Statistics, the Red Cross, the Rehabilitation Service, War Veteran organizations, county and municipal welfare agencies and such other organizations of similar function and intent in order that the Kentucky Employment Service shall be utilized as a central base or focal point as a survey agency, alleviation and distribution point for the relief of distress among workers and the public in times of economic depression or an emergency;

(m) to enter into agreement with the governing authorities of any county or municipality in the State for such period of time as may be deemed advisable for the purpose of establishing and maintaining local employment offices;

(n) to enter into agreement with the governing authorities of any school district for the extension of vocational guidance to minors:

(o) to enter into agreement with the United States Employment service, or such bureau of the United States Depart-

ment of Labor designated or may hereafter be authorized by the United States Congress for the purpose of securing financial and other aid from the United States government for the establishment and maintenance of a public employment service in Kentucky;

(p) to appoint advisory committees to assist in conducting an efficient employment service;

(q) to accept and solicit monies for the Kentucky Employment Service from private sources not incompatible to the welfare and efficiency of the provisions of this Act and the Kentucky Employment Service, and all such monies collected shall be accounted for to the State Auditor and credited to the account and use of said employment service.

§ 3. No fee, charge or other perquisite shall be accepted or exacted for any service rendered applicant-worker or employer by said employment service.

By Senator Franklin.

S. B. 193. An Act to amend and re-enact Section 971-3, 971-4, 971-10, 971-12 and 971-13 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 971-3, 971-4, 971-10, 971-12 and 971-13 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930, be and the same are hereby amended and re-enacted so that when so amended and re-enacted they shall read as follows:

Section 971-3. When from any cause the judge of any circuit court of continuous session or division thereof, being

in attendance, can not properly preside in an action, proceeding or prosecution pending in said court, or if either party shall file with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties by agreement, may elect one of the members of the bar of said court to hear and try the case, proceeding or application; and if any of the parties to said action, proceeding or prosecution are non-resident defendants, who have not entered their appearance, nor have been summoned, or are infant defendants, the attorney appointed to defend for such non-residents, or the guardian ad litem for such infants, may agree with the other parties to such action, proceeding or prosecution, upon a member of the bar having all the qualifications of a circuit judge, to try such action, proceeding or prosecution. However, if the parties can not agree upon a member of the bar to act as judge, as above stated, or if no judge of said court or division thereof is available, the clerk of the court shall at once certify that fact to the Chief Justice of the Court of Appeals of Kentucky, who shall designate as circuit judge a member of the local or State bar having the qualifications of a circuit judge to try such action, proceeding or prosecution, and the judge so designated shall have all the powers of the regular judge of the court over which the member of the bar is designated by the Chief Justice to preside in such action, proceeding or prosecution, and shall receive for his services the compensation hereinafter provided.

§ 2. Section 971-4. When from any cause the judge of any circuit court of other than courts of continuous session fails to attend, or is unable for any reason to hold the court, or if the parties litigant can not agree upon an attorney to act as special judge as provided in Section 971-6 of this act, the clerk of said court shall at once notify the Chief Justice of the Court of Appeals of Kentucky, who shall, if no regular circuit judge is available, designate as circuit judge a member of the local or State bar having the qualifications of a circuit judge, to hold said court during the time when the regular judge shall fail to attend, or shall be, as above stated, unable to preside over said court, and the judge so designated shall

hold said court, and shall have all the powers of the regular judge of the court over which he is designated by the Chief Justice. The Chief Justice, in his discretion, in designating, as provided in this section, a special judge to try any action, proceeding or prosecution in which the regular circuit judge can not properly preside or in which either party shall have filed with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, may designate such special judge to preside over the trial of such action, proceeding or prosecution for such time or purpose as the Chief Justice may designate or may, in his discretion, designate such special judge to preside in the trial of such action, proceeding or prosecution until its final determination on such trial. Special judges designated by the Chief Justice as provided for in this section shall receive for their services the compensation hereinafter provided.

§ 3. Section 971-10. The commissions of regular circuit judges as special judges, the designation of special judges by the Chief Justice, the reason of such designation, and the fact that the requisite oaths have been taken, must be entered upon the order books of the courts over which such special judges are designated to preside.

All claims for compensation and expenses of attorneys or members of the bar designated as special judges, and as provided for in Sections 971-5 and 971-7 of this act, shall be allowed and paid as provided by law for the payment of other claims against the Commonwealth, but before such claims shall be allowed by the auditor, the amounts thereof, the number of days' services rendered on the bench, together with a statement of expenses, shall be entered upon the order book of the court over which such special judge is designated to preside, and the same shall be presented to and approved by the Chief Justice of the Court of Appeals.

§ 4. Section 971-12. It shall be the duty of every regular circuit judge to call a special term of his court, when, at the

close of any regular term, as many as ten cases remain on the docket of his court undisposed of and not called for trial, nor under submission, and upon the failure of said regular circuit judge so to do, and upon manifestation of that fact by any of the parties litigant in such cases or by counsel of record, by motion and notice in writing to the Chief Justice of the Court of Appeals, the said Chief Justice is hereby empowered, in his discretion, to call a special term of such court, for the purpose of trying such cases or hearing any motion or pleading in relation thereto, and to designate any regular circuit judge, not otherwise engaged, to preside over such special term, or if no regular circuit judge is available, the Chief Justice may designate any member of the bar of this State having all the qualifications of a regular circuit judge to preside over such special term.

The order of the Chief Justice, calling a special term of any circuit court as provided in this section, shall specify the court in which said special term shall be held, when the same is to commence, and the style of each case to be tried, or in which any motion, pleading, order or judgment is to be filed, made or entered at said special term, but if all the cases on the docket are to be before the court at such special term, a statement to that effect will be sufficient without copying the entire docket in such notice. Whenever a special term shall be ordered by the Chief Justice of the Court of Appeals, as provided in this section, it shall be the duty of the moving party to serve a copy of such order upon all parties litigant affected thereby or upon counsel of record in each case specified in the said order, or in lieu of such notice, the Chief Justice may, in his discretion, direct that notice of such special term shall be given by posting a copy of said order on the door of the courthouse where such special term is to be held, within a reasonable time previous thereto.

§ 5. Section 971-13. In each county of each judicial district, except counties having circuit courts of continuous session, there shall be held each year the number of terms of the circuit court provided for by law, and the term in any district may be extended if the business requires so that it does not

interfere with any other term in the district; and whenever it is necessary to transact the business, a special term may be held in any county, either by an order entered of record at the last preceding regular term in the county or by notice signed by the judge and posted at the court house door of the county for ten days before the special term is held. The order or notice shall specify the day when the special term is to commence, and shall give the style of each case to be tried, or in which any motion, order or judgment is to be made or entered at the said special term, and no other case shall be tried, or motion, or order, or judgment entered therein, unless by agreement of parties, but if all the cases on the docket are to be before the court at such special term, a statement to that effect will be sufficient without copying the entire docket in such notice. Grand juries shall be summoned and criminal and penal causes shall be heard at but three terms in each year in any county, to be fixed by order of court, unless in an emergency the court may otherwise direct; and the grand or petit jurors may be summoned for any special term by direction of the judge; provided, however, that whenever, in the opinion of the regular judge of any circuit court, there is such a congestion of the civil or criminal docket in any such court as that it cannot be disposed of by the court at its regular term, as now provided by law, or at any special term which may be called and held as provided by this section then and in every such case it shall be lawful for the regular circuit judge or such court, by order entered of record, at a regular term of such court, to call a special term of said court to be held while a court is, or may be, in session in the same or some other county in the district. Every such order calling such special term shall specify the day when the special term of the court shall commence, and the time it shall continue, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at such special term, and no other case shall be tried, or motion made, or order or judgment entered therein in any case, even by agreement of parties, except upon direction of the Chief Justice as provided by Section 971-12 of this act, but if all the cases on the docket are to be before the court at such

special term, a statement to that effect be sufficient without copying the entire docket in such notice. The grand jury and petit jury for the trial of criminal or ordinary actions at such special term, shall be drawn at the term at which such special term is called in the manner and form as provided by law for drawing of grand and petit jurors for the regular terms of such court. Whenever the regular judge of such court can not attend at any special term called under this section, then a copy of the order calling such term shall be forwarded by the clerk of such court to the Chief Justice of the Court of Appeals, whose duty it shall be to designate some other regular circuit judge not then engaged in the trial of cases, or if no regular circuit judge be available at said time, it shall be the duty of the Chief Justice to designate some member of the bar of this State having all the qualifications of a regular circuit judge to hold the special term of such court, provided for in this section. The special judge so designated shall have all the powers of the regular judge of said court.

By Senator Humphreys.

S. B. 194. An Act to amend and re-enact section 4636k-1 of the 1930 edition of Carroll's Kentucky Statutes, and which section is section 1 of Chapter 67, page 281 of the Session Acts for 1920.

To Committee on Veteran's Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4636k-1 of the 1930 Edition of Carroll's Kentucky Statutes, same being Section 1 of Chapter 67, Page 281, of the Session Acts of 1920, be amended and re-enacted so that when done same shall read as follows:

"Section 1. That every person who was engaged in the military or naval service of the United States of America

during the war with Germany and her allies, which war was declared April 6, 1917, and who was at the time of his enlistment a resident of the State of Kentucky, shall be entitled to a free scholarship in either the State University, or the Eastern or Western Kentucky Normal Schools, West Kentucky Industrial College at Paducah, and the Kentucky Normal and Industrial Institute for Colored Persons as he or she may choose for a period required for the completion of the course of study selected by them. Said scholarship shall include free tuition, matriculation and other fees, room rent, fuel and light, and the advantages and privileges of the University or either of said Normal Schools, but same does not include free board."

By Senator Franklin.

S. B. 195. An Act to provide the circuit courts of this State with copies of the Statutes and Codes of Practice and Supplements thereto and repealing Section 2432 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision.

To Committee on Judicial Council.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on a certificate from the circuit judge of any circuit court of this State that such circuit court is without a copy of the latest edition or revision of Carroll's Kentucky Statutes and/or Codes of Practice, the State Librarian be and he is hereby required and directed to furnish to the circuit clerk of such circuit court a copy of the Statutes or Codes so lacking for the use of the circuit judge in such circuit court and shall, on such certification of such circuit judge that such copy of the Statutes and/or Codes of Practice have been lost, mutilated or torn, furnish to such circuit clerk for the use of the circuit judge in such circuit court a duplicate copy of

such book so lost, mutilated or torn, and shall furnish to such circuit clerk for such circuit judge from time to time any supplement or supplements issued to such Statutes and/or Codes. In courts of continuous session possessing more than one judge, the Librarian shall furnish a copy of such Statutes and/or Codes and any supplement thereto to each judge of such circuit court on such certification. The Librarian shall certify the cost of any book or books so furnished hereunder to the Auditor of Public Accounts who shall issue his warrant on the Treasurer for the same, payable out of the general fund.

§ 2. That Section 2432 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision, be and the same is hereby repealed.

By Senator Edge.

S. B. 196. An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment therein in order that only competent persons may be employed as miners, and to create a board of examiners for this purpose and to provide a penalty for a violation of the same, and appropriating certain funds to pay the salary and expenses of such board.

To Committee on Mines and Mining.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter no person shall be employed or engaged as a coal miner in this State without having first obtained a certificate of competency and qualification so to do from the Miners Examining Board of this State, created by this Act, provided, however, that any such certified miner may have one person working with him and under his direction as apprentice for the purpose of learning the trade of mining coal and becoming qualified to obtain a certificate in conformity with the provisions of this Act.

§ 2. Within thirty days after this Act shall become effective the Governor of Kentucky shall appoint a Miners Examining Board to consist of two practical coal miners, who have had not less than ten years' practical experience as coal miners, and one coal operator who has had not less than ten years' practical experience in the operating of coal mine or mines; said board to serve for a period of two years, and until their successors have been appointed and qualified. Any vacancy occurring on said board may be filled by appointment by the Governor.

§ 3. The board shall meet immediately after appointment and organize by electing one of their number president, one secretary and one treasurer, provided that the same member may serve as both secretary and treasurer. Each member shall qualify within ten days after appointment by taking the oath or affirmation before some qualified officer, that he will faithfully, honestly and impartially discharge his official duties; which oath shall be filed with the Auditor of the State. The member being chosen as treasurer shall qualify by filing bond with the Auditor of the State in the penal sum of one thousand ($1,000.00) dollars, which bond shall be approved by the said Auditor.

§ 4. Members of said board shall receive as compensation for their services ten ($10.00) dollars per day for each and every day actually engaged in their official duties, and all legitimate and necessary expenses incurred in attending the meetings of said board, which sum shall be paid by the State Treasurer. Said board shall hold an examination once in each calendar month in at least six places located most conveniently with reference to the districts in which coal is mined in this State, so that all persons in such district or in this State or who may wish to come into this State for the purpose of mining coal may be examined as to their competency and qualification as coal miners. Public notice of said examination shall be given through the press or otherwise in the discretion of the board, not less than seven days in advance of such meeting, which notice shall fix the time

and place at which any examination under this Act is to be held.

§ 5. Each applicant for a certificate provided for herein shall pay a fee of $2.00 to said board. Fees so collected during each month shall, before the tenth of the following month, be paid by the board to the State Treasurer and converted into the general fund, accompanied by a report from the treasurer of said board showing where and from whom such fees are collected.

§ 6. All examinations held by said Miners Examining Board shall be conducted in the English language and shall be of a practical nature so as to determine the competency and qualification of the applicant to engage in the business of mining coal. Said board shall examine under oath, all persons who apply for certificates, as to their previous experience as coal miners and shall grant certificates of competency and qualification to only those persons who, in the judgment of the board, are qualified to engage in the occupation of coal mining, which certificates shall entitle the holder thereof to be employed as, and to do the work of, a coal miner in this State. No certificate of competency shall issue or be given to any person under this Act unless he shall produce evidence of having had not less than two years' practical experience as a coal miner, and in no case shall an applicant be deemed competent unless he appears in person before said board and orally answers intelligently and correctly at least twelve practical questions propounded to him by said board pertaining to his qualifications as a practical miner. The board shall keep an accurate record of its proceedings and meetings and in said record shall show a correct detailed account at the examination in each applicant with questions asked and the answers thereto, and at each of its meetings the board shall keep said record open for inspection. No miners' certificate granted under the provisions of this Act shall be transferable and any effort to transfer the same shall be deemed a violation of this Act. Such certificate shall be issued only at meetings of said board and said certificates shall not be legal

unless signed by at least two members of said board and sealed with the seal of the board issuing such certificate.

§ 7. Said board shall, annually, on the first day of June, report to the Governor in writing what examinations it has held and what work it has done during the preceding year, with such recommendations as it may deem advisable for the improvement of the methods of holding examinations and carrying out the purposes of this Act.

§ 8. No person shall hereafter engage as a coal miner in any coal mine in this State without having obtained a certificate of qualification as provided for in this Act, nor shall any person, firm or corporation employ as a miner in his, their or its mine, any person who does not hold such certificate, nor shall any mine foreman, overseer or superintendent permit or suffer any person to be employed under him or in any mine under his charge or supervision as a miner in any mine in this State, except as herein provided, who does not hold such certificate of qualification. Any person, firm or corporation who shall violate or fail to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not more than five hundred ($500.00) dollars, or shall be imprisoned in the county jail for a term not to exceed six months, at the discretion of the court.

§ 9. It shall be the duty of said Miners Examining Board to report all complaints or charges of non-compliance with, or violation of the provisions of this Act to the Commonwealth's Attorney of the district in which such non-compliance or violation occurs, and it shall be the duty of the Commonwealth's Attorney in the district wherein the complaint or charges are made to investigate the same and prosecute all persons, firms or corporations so offending.

§ 10. In order to more effectively carry out the intentions and purposes of this Act, the Miners Examining Board shall have power to administer oaths to any and all persons

who may vouch in any manner for the service or qualification of any applicant in order to obtain for him a certificate hereunder and any person who shall wilfully swear or falsely testify as to any matter material to such examination or as to the service or qualification of any applicant, shall be deemed guilty of false swearing and shall be subject to the penalties now provided by law for false swearing.

§ 11. The secretary of the board shall prepare such forms as are necessary for certificates of qualification and such other forms and blanks as shall be necessary to effectively carry into effect this Act, which forms shall be approved by said board. Said board shall also have the power to adopt rules and regulations not inconsistent with this Act for carrying out the provisions of this Act.

§ 12. There is hereby appropriated the sum of six thousand ($6,000.00) dollars out of the general revenues of the State, not otherwise appropriated, for the purpose of paying the salaries and legitimate expenses of the members of the board and the Auditor of the State is hereby authorized to draw his warrant upon the State Treasurer for such other sums from time to time as may be necessary to pay the salaries and legitimate expenses of said board in the performance of their duties under this Act.

§ 13. The Governor shall have power and authority to remove any of the members of said board for neglect of duty, incompetency, or malfeasance in office, and upon such removal shall have power to appoint a successor to the member or members so removed.

By Senator Stephenson.

S. B. 197. An Act to establish as a part of the primary system of State highways a road from near mouth of Abner Fork of Beaver Creek to upper end of the town of Weeksberry, in Floyd County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning on the Haymond Highway near the mouth of Abner Fork of Left Beaver Creek, Floyd County, and thence running up the said Beaver Creek to the upper end of the town of Weeksberry.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as amended, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Ferguson.

S. B. 198. An Act to amend and re-enact Chapter 5 of the Acts of the General Assembly of 1920, being Section 2625 of the Kentucky Statutes, Carroll's Edition, 1930.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 5 of the Acts of the General Assembly of 1920, now compiled as Section 2625 of the Kentucky Stat-

utes, Carroll's Edition, 1930, be and the same is hereby amended, by striking therefrom the whole of that part of said Act beginning with the words "any person eighteen years of age," appearing on Page 6 of the 1920 Session Laws, and ending with the words "Awarded upon examination" appearing on Page 8 of said Session Laws, and by adding thereto, and in lieu thereof, the following provision, to-wit:

"Any person now entitled to practice Pharmacy and being duly licensed by the Kentucky Board of Pharmacy as a Registered Assistant Pharmacist, and being the holder of a certificate to that effect, heretofore issued by said board, said certificate bearing the words 'awarded upon examination,' shall hereafter be entitled to practice as a Registered Pharmacist within the State of Kentucky, and it shall be the duty of the Kentucky Board of Pharmacy, upon demand and a proper showing, to issue to any such person a certificate of registration as now provided by law for Registered Pharmacists, without further examination, and upon surrender to said board of the certificate heretofore issued to him as a Registered Assistant Pharmacist, he shall become and be in all respects, and entitled to all the rights, privileges, and emoluments of, a duly licensed and Registered Pharmacist, within the State of Kentucky, and subject to all laws and regulations now in force and effect, relating to Registered Pharmacists, not inconsistent with this Act," so that when said Act is amended and re-enacted, the same shall read as follows, to-wit:

"Any person who is more than twenty-one years of age, of good moral character, possessing such standards of education, both academic and pharmaceutical, and such practical experience as the Kentucky Board of Pharmacy shall from time to time determine, filing written application, properly verified, setting forth his age, residence, education and practical experience as may be required, after passing a satisfactory examination to be conducted in the English language before the Kentucky Board of Pharmacy, under such rules and regulations as the board may determine, shall be entitled

to a certificate as a Registered Pharmacist upon the payment of a fee to the secretary of the board of not less than ten dollars nor more than twenty-five dollars as said board may from time to time fix.

"Any person now entitled to practice Pharmacy and being duly licensed by the Kentucky Board of Pharmacy as a Registered Assistant Pharmacist, and being the holder of a certificate to that effect, heretofore issued by said board, said certificate bearing the words 'awarded upon examination,' shall hereafter be entitled to practice as a Registered Pharmacist within the State of Kentucky, and it shall be the duty of the Kentucky Board of Pharmacy, upon demand and a proper showing, to issue to any such person, a certificate of registration as now provided by law for Registered Pharmacists, without further examination, and upon surrender to said board the certificate heretofore issued to him as a Registered Assistant Pharmacist, he shall become and be in all respects, and entitled to all the rights, privileges and emoluments of, a duly licensed and Registered Pharmacist, within the State of Kentucky, and subject to all laws and regulations now in force and effect, relating to Registered Pharmacists, not inconsistent with this Act.

"Any person filing a false application to any of the facts required herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty ($20.00) dollars nor more than one hundred ($100.00) dollars, and shall have his certificate of registration revoked. Any Registered Pharmacist who shall be convicted of a felony, or who is proven to be an addict to habit-forming drugs, or who is a habitual drunkard, shall forfeit his certificate to practice Pharmacy. All certificates hereafter issued shall have plainly written, printed, or stamped upon the face thereof the words 'Revokable for causes specified by law' and 'awarded upon examination.' "

§ 2. All laws, or parts of laws, in conflict with this Act are hereby repealed.

By Senator Mehler.

S. B. 199. An Act to amend Section 701 of the Code of Civil Practice.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

An Act to amend Section 701 of the Code of Civil Practice.

§ 1. That Section 701 of the Civil Code of Practice of the State of Kentucky be amended by striking therefrom the following: "—and those from courts of justices of the peace shall be directed to a constable; or to a special agent appointed by the justice, by an indorsement on the process, upon an affidavit of the plaintiff or his agent being filed before the justice, to the effect that the process cannot be executed, according to the belief of the affiant, unless such special agent be appointed; but such process may be served by any officer or person who is authorized by this Code to serve a summons."

And by inserting in lieu thereof the following: "—and those from courts of justices of the peace shall be directed to the constable of the particular district in which said magistrate shall have been elected and the said constable shall have been elected, or to a special agent appointed by the justice, by an indorsement on the process, after an affidavit of the plaintiff or his agent has been filed before the justice, to the effect that the process can not be executed, according to the belief of the affiant, unless such special agent be appointed; but such process may be served by any officer or person who is authorized by this Code to serve a summons."

So that when said Section 701 is amended it shall read as follows:

Section 701. "A summons, order for a provisional remedy

and other process, from quarterly courts or county courts, shall be directed to the sheriff, coroner or a constable, at the option of the plaintiff; those from police, city and mayors' courts shall be directed to the marshal or a constable; and those from courts of justices of the peace shall be directed to the constable of the particular district in which said magistrate shall have been elected and the said constable shall have been elected, or to a special agent appointed by the justice, by an indorsement on the process, after an affidavit of the plaintiff or his agent has been filed before the justice, to the effect that the process can not be executed, according to the belief of the affiant, unless such special agent be appointed; but such process may be served by any officer or person who is authorized by this Code to serve a summons."

By Senator Young.

S. B. 200. An Act relating to schools and changing boundary line of graded common school districts.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If at any time it becomes desirable to extend the existing boundary of a graded common school district, a majority of the legal voters within the boundary of the territory sought to be annexed, may file with the board of trustees of the said graded common school district, a written petition, signed by said majority of legal voters within such proposed extended boundary, requesting said board of trustees of the graded common school district to order the extension in conformity to the petition.

The petition so filed shall set out the names of each and every legal voter in the boundary sought to be added, giving

the number of pupil children in said boundary, together with a definite boundary (not necessarily by metes and bounds) of the boundary to be annexed territory.

§ 2. If it appears that the petition so filed complies with the foregoing requirements, it shall at once be the duty of the board of trustees of such graded common school district to enter an order annexing the boundary described in said petition, and declaring same to be a portion of their graded common school district, provided, however, that if within ten days after the entry of such order, a majority of the legal voters in said original graded common and school district, file, in writing a protest against such extension, then the said order shall be set aside and held for naught, otherwise to remain in full force and effect.

§ 3. Since former laws with relation to the extension of graded common school districts were, by oversight, repealed by the General Assembly in 1922, and there has been no re-enactment of same, and because of the further fact that in many parts of the Commonwealth, the right to extend graded common school districts would result in better educational facilities, and in order that such changes where desirable and ordered, may be made for the school year 1932-3, an emergency is declared, by the General Assembly, to now exist, and this enactment, shall be and become effective upon its passage and approval.

§ 4. All laws and acts in conflict with this enactment are hereby repealed.

By Senator Gaines.

S. B. 201. An Act relating to suits or actions by and against a county, city, muncipality, and other taxing districts, to enjoin the issuance of bonds thereof, and forbidding the issuance thereof, except on the approval of a court of competent jurisdiction, prescribing the practice and fixing the burden of proof.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any Fiscal Court, City Council, Board of Trustees of towns and other Taxing Districts, to issue and offer to sell any bond, or obligation thereof, until the issuance thereof has been approved by a court of competent jurisdiction, declaring the same are based upon and to cover an indebtedness thereof, within the constitutional limitation of the indebtedness governing the creation of such indebtedness, and any bond sold, assigned, transferred without the approval of such court, in advance of its issuance, shall be null and void, and the same shall not thereafter, directly or indirectly be assumed or paid by such county, city, municipality, or other taxing district.

§ 2. In every action instituted for the purpose provided for in section one hereof, no bond or obligation of any county, city, municipality or other taxing district shall be approved by the court, until and unless it is alleged and proven by such county, city, municipality or other taxing district that the indebtedness thereof and for which the bond is intended to evidence, was created and was within the constitutional limitation of the indebtedness thereof, and unless and until the county, city, municipality or other taxing district, shall in appropriate pleading set forth each and every item of indebtedness, created and existing or unpaid and owing by the county, city, municipality or taxing district during the period of time in which the indebtedness was created and for which the proposed bond or bonds is intended to cover. And it shall appear in such suit or action that the county, city or municipality or taxing district, that the officials in office at the time of the creation of such indebtedness have not had due regard for the finances of the county, city, municipality or other taxing districts, during the time in which said indebtedness was

created, then the court shall not have the right and power to approve such bond issue. On all disputed issues, in such action or suit, the burden of proof shall be on the county, city, municipality or taxing district.

§ 3. All laws and parts of laws in conflict herewith, are hereby repealed.

By Senator Yates.

S. B. 202. An Act relating to Game and Fish Commission, amending and re-enacting Sections 1 and 2 of Chapter 53, and repealing Section 3 of Chapter 53, of the Acts of the General Assembly of 1930.

To Committee on Fish and Game.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3 of Chapter 53 of the Acts of the General Assembly of 1930, being Section 1954c-5 of Kentucky Statutes, Carroll's 1930 Supplement, be and the same is now repealed.

§ 2. That Section 1 of Chapter 53 of the Acts of the General Assembly of 1930, being Section 1954c-1, Kentucky Statutes, Carroll's 1930 Supplement, be amended and re-enacted and when so amended and re-enacted shall read as follows, to-wit:

Game and Fish Commission.—A game and fish commission is hereby created; said game and fish commission shall have perpetual succession with power to make and use a corporate seal and with power to alter the same; to adopt by-laws, rules and regulations for the government of its members, agents and employees, provided such by-laws shall not conflict

with the Constitution of Kentucky. Said commission shall consist of five members, who shall serve without compensation, except for necessary expenses to be paid upon an itemized statement thereof, duly audited by said commission, and shall have an office in the capitol and be supplied with suitable stationery, blanks and postage for the transaction of its business; provided, however, that the Chairman of said commission shall receive compensation for his services, as fixed in the following section.

§ 3. That Section 2 of Chapter 53 of the Acts of the General Assembly of 1930, being Section 1954c-2, Kentucky Statutes, Carroll's 1930 Supplement, be amended and re-enacted, and when so amended and re-enacted shall read as follows, to-wit:

On or before the first day of July, 1932, the Governor of the Commonwealth shall appoint five members of the Fish and Game Commission, one of whom shall serve for a term of four years, two of whom shall serve for a term of three years, and two of whom shall serve for a term of two years, and thereafter as the terms of each member expires, the Governor shall appoint their successors, respectively, for a term of four years each, and whenever a vacancy shall occur, by death, resignation or removal from office, or from the State, or otherwise the Governor shall appoint his successor for the remainder of the unexpired term. In making the appointments the Governor shall not appoint more than one member of the Commission from any one county.

Of the first Commission appointed the Governor shall designate the person who is to fill the office for a term of four years as Chairman of the Commission, and such person shall hold the office of Chairman for a period of four years, unless he shall vacate his office, or be removed from office or the Chairmanship. Thereafter, upon the appointment of the succeeding Commission the Governor shall name the Chairman of the Commission from among the members who are appointed, and such person so named shall be the Chairman

until the expiration of his term, unless such person should vacate said office of Commission or should be removed from office, or from the Chairmanship of said Commission.

Said Chairman shall perform all duties heretofore, now or hereafter required of the Chairman, and in addition shall perform all the duties now or heretofore required of the Executive Agent, and shall devote all his time to the discharge of such duties as are now or heretofore required of the Executive Agent, and it shall be his duty to use his best efforts toward the enforcement of the game and fish laws, and to carrying into effect its full purposes, and he shall remain in the office of the Commission at all reasonable times. Before entering upon the discharge of his duties as such Chairman, he shall execute a bond to the Commonwealth of Kentucky in the penal sum of $5,000.00, with surety, said bond to be approved by the Governor; and to be conditioned on the faithful discharge of his duties as Chairman of the Commission; the premium, if any, on said bond to be paid out of funds appropriated to or belonging to the Chairman of the Commission; and said bond to be filed with the Secretary of State. The Chairman shall be paid for his services hereunder the sum of $2,500.00 annually payable monthly and in the manner of the payment of other officers of the Commonwealth, and shall also be allowed his expenses as is above provided for other commissioners.

Said Game and Fish Commission shall meet quarterly at its office, and as much oftener as may be necessary. Special meetings of the commission may be called by the Chairman at any time, and also shall be called by him on the written request by registered mail of two or more members of the Commission within five (5) days after receiving such written request.

§ 4. Whenever and wherever the words "Executive Agent" are used in Chapter 53 of the Acts of 1930, and wherever and whenever any duties are imposed on the Executive Agent, the said words "Executive Agent" shall be

held to mean the Chairman of the Commission, and all and such duties and powers shall be imposed upon and vested in said Chairman.

§ 5. All laws or parts of laws and all Acts in conflict with this Act are now repealed, and Section 3 of Chapter 53, Acts of 1930, is specifically repealed.

By Senator Williams.

S. B. 203. An Act to provide for the manufacture of chairs, tables, desks, stools, seats and benches by the inmates of the penal institutions of the State of Kentucky, and making an appropriation therefor.

To Committee on Appropriations.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The State Board of Charities and Corrections is hereby authorized and directed to cause to be manufactured by the convicts of the State Penitentiary and the State Reformatory all chairs, tables, desks, stools, seats and benches furnished or required to be furnished by the State of Kentucky to the various educational, penal, charitable and eleemosynary institutions existing or hereafter created under the statutes of this State now in force, or that may be hereafter enacted, such chairs, tables, desks, stools, seats and benches shall be manufactured in the amount and in accordance with the specifications and requirements of the said various educational, penal, charitable and eleemosynary institutions, and the State Board of Charities and Corrections is hereby authorized and directed to cause to be manufactured said chairs, tables, desks, seats and benches upon the order of the various superintendents or directors of the said educational, penal, charitable and eleemosynary institutions, and

such chairs, tables, desks, stools, seats and benches shall be delivered to the said various educational, penal, charitable and eleemosynary institutions as soon as practicable after receipt of said order.

§ 2. The State Board of Charities and Corrections is hereby authorized and empowered to be caused to be manufactured by the convicts in the State Penitentiary or State Reformatory, chairs, tables, desks, stools, seats and benches for use in schools, court houses, public halls and all places of assembly, such chairs, tables, desks, stools, seats and benches to be manufactured under the supervision and direction of the State Board of Charities and Corrections in the amount and in accordance with the specifications as the sale of such chairs, tables, desks, stools, seats and benches demand, such chairs, tables, desks, stools, seats and benches to be furnished at a price to be determined upon by the State Board of Charities and Corrections.

§ 3. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of One Hundred Thousand ($100,000.00) Dollars, or so much thereof as may be necessary for the payment of material, equipment and machinery and the installation thereof required under the provisions of this Act.

§ 4. The various educational, penal, charitable and eleemosynary institutions purchasing from the State Penitentiary or the State Reformatory any chairs, tables, desks, stools, seats or benches, shall pay to the State Board of Charities and Corrections for such chairs, tables, desks, stools, seats and benches the actual cost of the material contained therein and labor required to produce same; the labor of the able-bodied convicts to be rated at One and 25/100 ($1.25) Dollars per day, and the labor of the non-able bodied convicts to be rated at Seventy-five (.75) cents per day, and such further sums as may be necessary to compensate the State Board of Charities and Corrections for light, heat and power used in the operation of said plant, at prices currently

in effect by the Louisville Gas and Electric Company for similar services, and such further sums as may be necessary to pay the salary of a skilled foreman, who shall have charge of the convict labor under the directions of the superintendent of the institution and the State Board of Charities and Corrections.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Senator Williams.

S. B. 204. An Act establishing as a part of the primary system of State highways a road leading from Haddix in Breathitt County, Kentucky, to Chavies in Perry County, Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road leading from Haddix in Breathitt County, Kentucky, via Copeland, Whick, Wolf Coal, Altro to Chavies in Perry County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by a provision of Chapter 17 of the Acts of the General Assembly, 1920, establishing and creating a primary system of State highways to the same effect as if said road had been named in the original act as one of the projects on the primary system of State highways as provided therein.

By Senator Williams.

S. B. 205. An Act establishing as part of the primary system of State highways, a road leading from Blanton bridge on Route 15 in Breathitt County, Kentucky, via Taulbee Post Office and the mouth of Rock Lick Creek, up Rock Lick Creek and down Trent Creek to Lee City, in Wolfe County, Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary system of State highways in the Commonwealth of Kentucky, a road leading from the Kentucky-Virginia Highway, Route 15, at Blanton Bridge in Breathitt County, Kentucky, via Taulbee Post Office, up Rock Lick Creek, down Trent Creek to Lee City, in Wolfe County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly, 1929, establishing and creating a primary system of State highways, which shall have the same effect as if said road had been named in the original act as one of the projects on the primary system of State highways as provided therein.

By Senator Williams.

S. B. 206. An Act establishing as part of the primary system of State highways a road leading from the mouth of Quicksand Creek at the intersection of Highway Route 15 up Quicksand Creek, to South Quicksand Creek; up South Quicksand Creek so as to intersect with the Quicksand-Hindman Road.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky, a road leading from a point at the mouth of Quicksand Creek at intersection of Route 15, running up Quicksand Creek to the mouth of South Quicksand and up South Quicksand Creek to the head of said creek, and on to main Quicksand Creek, intersecting the Quicksand-Hindman Road.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provision of Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

By Senator Williams.

S. B. 207. An Act establishing as part of the primary system of State highways a road leading from the mouth of Meat Scaffold Creek on Quicksand Creek via Stevenson Post Office, Keck Post Office and so as to intersect Highway 15 at the mouth of Cope Fork of Frozen Creek.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary

system of State highways of the Commonwealth of Kentucky, a road leading from the mouth of Meat Scaffold Creek, a point on the Jackson-Salyersville road, up said creek via Stevenson Post Office, A. B. Hatton's store, Keck Post Office, to the mouth of Cope Fork of Frozen Creek and intersecting Route 15.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by a provision of Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways, as provided therein.

By Senator Williams.

S. B. 208. An Act establishing as part of the primary system of State highways, a road leading from a point at Wrigley, Kentucky, in the Sandy Hook-West Liberty Road via Flat Woods, Grassy Creek, Sellars, to the Cannel City-Hazel Green Road.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky, a road leading from Wrigley, Morgan County, Kentucky, via Flat Woods, Grassy Creek, Sellars, to and intersecting with the Hazel Green-Cannel City road in Wolfe County, Kentucky, near Helechawa.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provision of Chapter 17 of the Acts of the General Assembly of

1920, establishing and creating a primary system of State highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

By Senator Yates.

S. B. 209. An Act to amend and re-enact Section 3024a-4 of Carroll's Kentucky Statutes, 1930 Edition, which is Section 4 of Chapter 16 of the Acts of the General Assembly of 1906, pertaining to the controlling, management and operation of Water Works in cities of the first class.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3024a-4 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended, so that same when amended and re-enacted shall read as follows:

Officers of Board: Said board shall annually elect a president, a treasurer, a secretary and a chief engineer, who shall hold their offices for one year, or until their successors have been duly elected and qualified, and devote all their time to the duties of their respective offices. No member of said board, except the president, shall receive a salary. The president shall be elected from the members of the board. The president shall devote his entire time to his duties of said office, and shall not engage, directly or indirectly, in any other business, occupation or profession. He shall not be interested, directly or indirectly, in any contracts with said Water Works or with the city owning or controlling said Water Works. He shall not be interested in any business dealing with said Water Works or with the city owning or controlling said Water Works. The president, secretary and treasurer shall each give

bond, with approved surety, in such amount as may be fixed by the board, which bond shall be payable to the board of Water Works, and obligate the makers thereof to perform faithfully the duties of their several offices and faithfully account for and pay over all money or other things of value which may come into their several hands. The combined salaries of the president, treasurer and secretary shall not exceed the sum of nine thousand ($9,000) dollars. The board shall have authority to appoint such other agents or employees as they may deem necessary or proper, and to fix the compensation of its officers, agents or employees. Provided, however, that the salary of no officer, agent or employee shall exceed the sum of five thousand ($5,000.00) dollars per annum.

By Senator Brock.

S. B. 210. An Act to enlarge the authority, powers and jurisdiction of the State Railroad Commission of the Commonwealth of Kentucky, so as to more effectively provide for the supervision, inspection, and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations, management and practices, fairs, rates and charges, facilities and plants, franchises, licenses and contracts and their valuations, financing and securities, to provide for the payment of fees for supervision and inspection by utilities, and to provide measures, rules and regulations for the enforcement of the Commission's orders and penalties for failure to comply with the orders of the Commission or with the provisions of this act; authorizing the judiciary to so construe, by adding to or taking from, any clause or phrase any double or erroneous construction so as to give to this act its full and intended construction so as to give effect and force in its application; giving to the Commission the power to appoint such experts, managers, referees, and other necessary assistants as in their opinion may be necessary to carry out the effect of this act.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to any authority, powers and jurisdiction under the laws of this State now or hereafter conferred upon or exercised by the Railroad Commission of Kentucky, there is hereby conferred all the authority, powers and jurisdiction hereinafter particularly set forth.

§ 2. Definitions. Unless otherwise specified, the word "Commission" when used in this Act, shall mean a State Railroad Commission of Kentucky. Unless otherwise specified, the word "Commissioner," when used in this Act, shall be a member of the Commission: The term "municipality," when used in this Act, shall mean and include any municipal corporation organized under the laws of this State; the term "Person" when used in this Act, shall mean and include individuals, associations of individuals, firms, partnerships, companies, corporations, municipalities, governmental agents, their lessees, trustees or receivers appointed by any court whatsoever in the singular number as well as in the plural; the word "securities," when used in this act, shall mean and include stock, stock certificates, bonds, notes, debentures, or other evidence of indebtedness, authorized, issued or executed by any utilities; the term "utilities," when used in this Act, shall mean and include every person not engaged solely in interstate business, that now or may hereafter own, operate, lease or control (1) any plant property or for the generation, production, transmission or distribution, sale or furnishing to or for the public, of electricity for light, heat or power, or other uses, including any conduits, ducts, or other devices, materials, apparatus, or property for containing, holding or carrying conductors used or to be used, for the transmission of electricity for light, heat or power or other uses; (2) any plant property or facility for the production, manufacture, storage, distribution, sale or furnishing to or for the public, of natural or manufactured gas or light, heat or power, or

other uses; (3) any plant, property or facility for the supply, storage, distribution, or furnishing to or for the public, of water for manufacturing, municipal, domestic, or other uses; (4) any plant property or facility for the purpose of transmission or conveyance over wire, in the air or otherwise, of any message, either by telegraph, telephone, or intended for use to or for the public; the word "utility," unless otherwise specified, shall also mean and include two or more utilities rendering a similar service, or joint service; "rate," unless otherwise specified, when used in this Act, shall mean and include the plural number, as well as the singular, every individual or joint rate, classification, toll charge, or other compensation for service rendered, or to be rendered by any utility, and every rule, regulation, practice, act, requirement or privilege in any way relating to such rate, fares, toll, charge or other compensation, and any schedule or tariff or part of a schedule or tariff thereof; unless otherwise specified, the term "service regulation," shall mean and include every rule, regulation, practice, act or requirement in any way relating to the service or facilities of a utility including the voltage of electricity, the heat units, pressure and candle power of gas; the purity and pressure of water, and in general the quantity and quality of any commodity or service or product described or mentioned in this Act.

§ 3. There is hereby appropriated out of the State treasury, a sum of money sufficient to meet the expenses incurred under the provisions of this Act, not exceeding fifty thousand ($50,000.00) dollars annually.

§ 4. None of the provisions of this Act shall apply to the generation, transmission or distribution of electricity, to the manufacture or distribution of gas, to the furnishing or distribution of water, or to the production of electricity, heat, or power, or the furnishing of water, by a producer who is not otherwise a utility, for the sole use of such producer, or for the use of tenants of such producer, nor shall they apply to any person not otherwise a utility who manufactures and supplies such products to a utility for its use or distribution with-

out participation by such manufacturer in such use or distribution. When a person is engaged in business, a portion of which business is private business and a portion of which buiness is the business of a utility, the authority, powers and jurisdiction of the commission conferred upon it by law shall not be deemed to apply to and shall not be exercised with respect to, that portion of said business which is a private business.

§ 5. Issuance or Guarantee of Securities by the Utility. From and after ninety days after this Act takes effect, no utility shall issue any securities, or assume any obligation or liability, as lessor, lessee, guarantor, indorser, surety or otherwise in respect to the securities of any other person unless and until, and then only to the extent that, upon application by the utility, and after investigation by the Commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities of any other person, the Commission by order authorizes such issue or assumption. The Commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object within the corporate purposes of the utility, (b) is compatible with the public interest, (c) is necessary or appropriate for or consistent with the proper performance by the utility of its service to the public as such utility and will not impair its ability to perform that service and (d) is reasonably necessary and appropriate for such purpose. Any such order of the Commission shall specify the purposes for which any such securities or the proceeds thereof may be used by the utility making such application.

§ 6. The Commission shall have power by its order, to grant or deny the application provided for in the preceding section hereof, as made or to grant it in part or deny it in part, or to grant it with such modification and upon such terms and conditions as the Commission may deem necessary or appropriate in the premises and may from time to time for good cause shown, make such supplemental orders in the

premises as it may deem necessary or appropriate and may by any such supplemental order, modify the provisions of any previous order as to the particular purposes, uses, and extent to which or the conditions under which, any securities so theretofore authorized or the proceeds thereof may be applied; subject always to the requirements of the foregoing section.

§ 7. Every application for authority for such issue or assumption shall be made in such form and contain such matters as the Commission may prescribe. Every such application and every certificate of notification hereinbefore provided for, shall be made under oath, signed and filed on behalf of the utility by its president, a vice-president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the utility.

§ 8. Whenever any securities set forth and describe in any such application for authority or certificate of notification as pledged or held unincumbered in the treasury of the utility, shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the utility, such utility shall, within ten days after such sale, pledge, re-pledge, or other disposition, file with the Commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the Commission.

§ 9. Nothing herein shall be construed to imply any guarantee or obligation as to such securities on the part of the State of Kentucky.

§ 10. The provisions of this Act shall not apply to notes issued by a utility for proper purposes and not in violation of law payable at periods of not more than two years from the date thereof, and shall not apply to like notes issued by a utility, payable at a period of not more than two years from date thereof, to pay, retire, discharge, or refund in whole or in part any such note or notes and shall not apply to renewals from time to time not exceeding in the aggregate six years

from the date of the issue of the original note or notes so renewed or refunded. No such notes payable at a period of not more than two years from the date thereof shall, however, in whole or in part, directly or indirectly, be paid, retired, discharged, or refunded by any issue of securities of another kind of any term or character or from the proceeds thereof without the approval of the Commission. Nothing contained in this Act shall be construed as limiting the power of any court having jurisdiction to authorize or cause receiver's certificates or debentures to be issued according to the rules and practice obtaining in receivership proceedings in courts of equity. Within ten days after the making of any such notes, so payable at periods of not more than two years from the date thereof the utility issuing the same shall file with the Commission a certificate of notificaton, in such form as may from time to time be determined and prescribed by the Commission, setting forth as nearly as may be the same matters as those required in respect of application for authority to issue other securities.

§ 11. The Commission shall require periodical or special reports from each utility hereafter issuing any security, including such notes payable at periods of not more than two years from the date thereof, which shall show in such detail as the Commission may require, the disposition made of such securities and the application of the proceeds thereof.

§ 12. (a) Securities issued and obligations and liabilities assumed by a utility, for which under the provisions of this Act the authorization of the Commission is required, shall not be contrary to any term or condition of such order of authorization as modified by any order supplemental thereto entered prior to such issuance or assumption. (b) Securities issued or obligations or liabilities assumed in accordance with all the terms and conditions of the order of authorization therefor shall not be affected by a failure to comply with any provision of this Act or rule or regulation of the Commission relating to procedure and other matters preceding the entry of such order of authorization or order supplemental thereto. (c) A copy of any order made and entered by the Commission

as in this Act provided (duly certified by the secretary of the Commission) approving the issuance of any securities or the assumption of any obligation or liability by a utility, shall, in and of itself, be sufficient evidence, for all purposes, of full and complete compliance by the applicant for such approval with all procedural and other matters required precedent to the entry of such order. (d) Any utility which wilfully issues any such securities, or assumes any such obligation or liability, or makes any sale or other disposition of securities, or apples any securities or the proceeds thereof to purposes other than the purposes specified in an order of the Commission with respect thereto, contrary to the provisions of this Act, shall be liable to a penalty of not more than ten thousand ($10,000) dollars, but such utility is only required to specify in general terms the purpose for which any securities are to be issued, or for which any obligation of liability is to be assumed and the order of the Commission with respect thereto shall likewise be in general terms. (e) The willful act of any officer, agent or employee of a utility, acting within the scope of his official duties or employment, shall for the purpose of this section be deemed to be the willful act of the utility. Actions to recover penalties under this Act shall be brought in the name of the State of Kentucky in any court of competent jurisdiction therein. Whenever any utility is subject to a penalty under this Act the Commission shall certify the facts of the Attorney General, who shall institute and prosecute an action for the recovery of such penalty, provided the Commission may compromise such action and dismiss the same on such terms as the court will approve. All penalties recovered by the State in such action, shall be paid into the State treasury to the credit of the general fund. (f) All applications for the issuance of securities on assumption of liabilities or obligations shall be placed at the head of the Commission's docket and disposed of promptly, and all such applications shall be disposed of in sixty days after the same are filed with the Commission, unless it is necessary for good cause to continue the same for a longer period of consideration. Whenever such application is continued beyond sixty days after the time it is filed, the order making such contin-

uance must state fully the facts necessitating such continuance.

§ 13. Valuation of the Property of a Utility by the Commission. The Commission may, upon its own motion, at any time and upon reasonable notice to any utility, when the Commission deems it necessary to ascertain the value of the property of such utility, proceed to investigate, ascertain and report the value thereof, and shall make such investigation, ascertainment and report upon the request and application of any utility. To enable the Commission to make such investigation and report, if upon its own motion, it is authorized to employ such experts and other assistants as it may deem necessary. If such investigation and report be made upon the application of a utility, the same shall be made and the experts and assistants employed by the Commission for that purpose, shall be employed at the expense of the utility making such application. The Commission may appoint examiners who shall have the power to administer oaths, examine witnesses and take testimony in connection with any such investigation. In arriving at a valuation of the property of any utility as provided in this section, the Commission shall give due consideration to the history and development of the utility and its property, original cost, cost of reproduction as a going concern, and other elements of value recognized by the law of the land for rate making purposes. For the purpose of making such investigation, the members of the Commission and its duly authorized agents and employees shall at all reasonable times have free access to the property, accounts, records and memoranda of the utility whose property and rights are being valued and it shall be the duty of such utility to aid and cooperate with, the Commission and its duly authorized agents and employees to the fullest degree for the purpose of facilitating such investigation. Upon the completion of the valuation of any utility, as herein provided, the Commission shall thereafter keep itself informed of all extensions and improvements or other changes in the condition and values of the property of such utility, and shall ascertain the value thereof, and shall from time to time revise and correct

its valuation to the extent that may be necessary by reason of such extensions and improvements or other changes in the physical condition and resulting value of such property; and to this end every utility shall make such report and furnish such information as the Commission may require.

§ 14. Whenever the Commission shall have completed its valuation and report of the property of any utility as herein provided, and before such valuation shall become final the Commission shall give notice to such utility stating the valuation placed upon the property valued and shall allow thirty days in which such utility may file a protest of the same with the Commission. If no protest is filed within thirty days, the valuation fixed by such report shall become final as of the date thereof.

§ 15. If notice of protest is filed by any utility whose property is so valued, the Commission shall fix a time for hearing the same and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed. If, after hearing any such protest the Commission shall be of the opinion that its valuation should not be made final, it shall make such changes as may be necessary to do justice, and shall issue an order making such valuation as corrected final as of the date thereof, which order shall be a final order of the Commission. If after hearing any such protest the Commission shall be of the opinion that its valuation should be made final, it shall issue an order making such valuation final as of the date thereof, which order shall likewise be a final order of the Commission. Any such final order and the Commission's report of valuation upon which the same is based shall be a permanent public record of the Commission and shall be kept on file at its office. If no protest is filed as provided in Section 15 hereof and such report of valuation by the Commission becomes final as therein provided, then the valuation fixed in such report shall for all future rate making purposes be the permanent basic valuation of the property of such utility. If such protest is filed and after

hearing thereof and order thereon, no appeal be taken to the circuit court of Franklin County, then the valuation fixed by such final order thereon shall for all future rate making purposes be the permanent basic valuation of the property of such utility. If after such protest, hearing and order, an appeal be taken by the utility to the circuit court of Franklin County, then the valuation fixed as a result of the order of said court or of the final order of said court or of the final order of the Court of Appeals of Kentucky, if the order of said circuit court of Franklin County be appealed from, shall for the future rate making purposes be the permanent basic valuation of the property of such utility.

§ 16. The Commission shall have general and exclusive power and jurisdiction to regulate and supervise every utility in respect to its rates and service regulations, and in respect of its franchises, licenses and contracts, insofar as they affect its rates and service regulations, and in respect of its financing and securities in accordance with the provisions and subject to the reservations of this Act, and to do all things necessary and convenient in the exercise of such power and jurisdiction. Nothing in this Act contained, however, shall be deemed to confer upon the Commission power and service regulations any utility owned and operated by any municipal corporation in the State. From time to time the Commission may make such recommendations to any municipal corporation which owns and operates a utility, as from its experience in the administration of this Act may seem to the Commission necessary or advisable.

§ 17. Rates and service regulations may hereafter be established by contracts between a municipality and utility for a specified term not exceeding thirty years, but only by and with the approval of the Commission to be expressed by its order. Utilities may contract with each other and with persons who are not utilities in respect of the use of their properties and facilities, the sale or exchange of water, gas, electricity, or other products or commodities, otherwise than pursuant to established rates, the distribution to the public

of such products and commodities jointly or singly, and the territory within which such joint or single service shall be rendered and other matters deemed to be of mutual advantage, subject however, in all such cases, to the approval of the Commission, but provided that no person shall participate in such distribution who is not a utility. Whenever any such contract shall be made it shall, before becoming effective, be submitted to the Commission. If the Commission shall find the provisions of any such contract consistent with the public interest it shall approve the same. Otherwise it shall disapprove the same, and unless and until so approved, such contract shall be of no effect, but if it be approved it shall in all respects be lawful. Whenever a utility provides for itself by contract, as above provided, a source of supply of any product or commodity which it would otherwise be under the duty to generate or manufacture, it shall, to such extent as the Commission may order, be excused from the construction or maintenance of plants, facilities and equipment necessary for such generation or manufacture, provided, however, that allegation of fraud or collusion by either party shall invalidate the contract, no matter how long in force and give the Commission power to fix the rates.

§18. Each utility doing business in this State and subject to the control and jurisdiction of the Commission with respect to its rates and service regulations, shall pay annually to the State on or before February 1 of each year, a fee for the inspection and supervision of such business. Such inspection and supervision fees shall be paid by such utilities in addition to any and all property, franchise license, intangible and other taxes, fees and charges now or hereafter provided by law. No similar inspection and supervision fees shall be levied or assessed by any county or municipality of this State and no part of such inspection and supervision fees shall be allowed to any county or municipality of this State. Such inspection and supervision fee shall be measured by the amount of the gross receipts of each such utility for the calendar year next preceding the date herein fixed for the payment of the same, except that in the case of such

utilities engaged in interstate business the fees shall be measured by the gross receipt of such utilities from intrastate business only, for such preceding calendar year, and not in any respect upon receipts derived wholly or in part from interstate business. Such fees shall be ascertained as follows:

A fee of $2.50 per $1,000 for the first $10,000 or less of such gross receipts.

A fee of $2.00 per $1,000 for each additional $1,000 of such gross receipts up to and including $10,000 thereof.

A fee of $1.50 per $1,000 for each additional $1,000 of such gross receipts up to and including $350,000 thereof.

A fee of $1.25 per $1,000 for each additional $1,000 of such gross receipts up to and including $700,000 thereof.

A fee of $1.00 per $1,000 for each additional $1,000 of such gross receipts up to and including $1,000,000 thereof.

A fee of .75 per $1,000 for each additional $1,000 of such gross receipts up to and including $2,000,000 thereof.

A fee of .25 per $1,000 for each additional $1,000 of such gross receipts up to and including $3,000,000 thereof.

A fee of .10 per $1,000 for each additional $1,000 of such gross receipts over and above $3,000,000 thereof.

But in no case shall said fee be less than $25.00 which shall be the minimum inspection and supervision fee to be paid by any utility and this amount shall in any event be paid on or before February 1st of each year, except that the maximum amount so to be paid shall be $3,000 which shall be the maximum inspection and supervision fee to be paid by any utility in any one year.

§ 19. On or before July 1, 1932, and on or before July 1st

of each year thereafter, every utility doing business in this State and subject to the control and jurisdiction of the Commission with respect to its rates, and service regulations, shall file with the Commission a statement under oath in such form as may be prescribed by the Commission of the amount of the gross receipts of such utility for the last preceding calendar year, except that in the case of any utility engaged in interstate business such statement shall show only the amount of its gross business for the last preceding calendar year from its intrastate business and shall not include any receipts derived wholly or in part from its interstate business. Any utility failing to file such statement shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $25.00 for each day of such failure.

§ 20. Supervision and inspection fees provided for in this Act shall be in default on or after February 1st of each year, if not paid prior to that date. In the event that the amount payable by any utility for any year cannot be ascertained on or before February 1st of each year, such utility shall in any event, pay the minimum supervision and inspection fee herein provided and in addition such part of any additional supervision and inspection fee as may be ascertainable on or before the date of default; and when any further or additional amount payable for such year can be ascertained the same shall be paid within thirty days after it becomes possible to ascertain the same. Any utility failing in whole or in part to pay any supervision or inspection fee, or part thereof, due by it within any of the times herein prescribed for the payment of the same, shall be in default, and shall be liable to a penalty of not exceeding $5.00 per day, to be recovered by suit of the State, for every day it thereafter remains in default, and such penalty may be recovered, together with the supervision and inspection fee in default, in a single action. And the State shall have a lien upon all the property in this State of any utility for the payment of the supervision and inspection fees provided by this Act to be paid, and the penalties in this section provided for, which

lien shall be superior to all other liens, except the lien for State, county and municipal taxes.

§ 21. It is declared to be the purpose of this Act to regulate intrastate commerce only, and none of the provisions of this Act shall be construed as authorizing a regulation of, or any interference with, interstate commerce.

§ 22. Every utility shall maintain its plants, facilities and equipment in good operating condition and shall set up and maintain proper reserves for renewals, replacements and reasonable contingencies. Every utility shall render adequate service to the public and shall make such reasonable improvements, extensions and enlargements of its plants, facilities and equipment as may be necessary to meet the growth and demand of the territory which it is under the duty to serve. The rates and charges for the services rendered and required shall be reasonable and just to both the utility and the public.

§ 23. Every utility shall be entitled to such just and reasonable rates as will enable it at all times to fully perform its duties to the public and will, under honest, efficient and economical management, earn a fair net return on the reasonable value of its property devoted to the public service. In any determination of the commission as to what constitutes such a fair return, the Commission shall give due consideration among other things, to the requirements of the business with respect to the utility under consideration, and the necessity (under honest, efficient and economical management of such utility), of enlarging the plants, facilities and equipment of the utility under consideration, in order to provide that portion of the public served thereby with adequate service.

§ 24. Every utility shall file with the Commission within sixty days from the going into effect of this Act schedules showing all rates and service regulations in force for any services performed by it within the State; copies of all con-

tracts embodying rates or service regulations which have not been approved by the Commission or which are not in general operation shall likewise be filed.

§ 25. Whenever a utility desires to put in operation a new rate or service regulation or to change any existing rate or service regulation, it shall file with the Commission a new schedule embodying the same not less than thirty days prior to the time it desires to make the same effective, provided that the Commission may, upon application of the utility, prescribe a less time within which the same may be made effective. In the absence of suspension or disapproval by the Commission, as herein provided, the new rate or service regulation embodied in any such new schedule shall become effective at the time specified in such schedule subject, however, to the power of the Commission at any time thereafter to take any action respecting the same authorized by this Act.

§ 26. To enable it to make such investigation as, in its opinion, the public interest requires, the Commission, in its discretion, for a period not exceeding sixty days, may suspend the operation of any new schedule of rates or service regulations filed with the Commission. Unless as a result of its investigation, the Commission otherwise orders before the termination of such period of sixty days such rate or service regulation shall thereupon become effective. The Commission may make any order in the premises which it is authorized by any of the provisions of this Act to make in any investigation or complaint, or on its own motion without complaint. The Commission may act with respect to rates and service regulations of any utility prior to a valuation of the property of the utility affected.

§ 27. Upon a complaint made against any utility by any mercantile, agricultural or manufacturing society, or by any body politic or municipal organization, or by any person, that any rate, service regulation, classification, practice or service in effect or proposed to be made effective is in any respect unfair, unreasonable, unjust or inadequate, or unjustly dis-

criminatory, or unduly preferential, or constitutes unfair competition, or that the service is inadequate or cannot be obtained, the Commission shall proceed, and without such complaint, the Commission, whenever it deems that the public interest so requires, may proceed after notice as hereinafter provided, to make such investigation as it may deem necessary or appropriate; but no order affecting such rates, service regulation, classification, practice, or service complained of shall be entered by the Commission without notice and a hearing. Any utility may make complaint as to any matter within the provisions of this Act with like effect as though made by any mercantile, agricultural, or manufacturing society, body or municipal organization, or other person.

§ 28. Whenever the Commission shall determine to conduct an investigation either with or without complaint, as in this Act provided for, it shall fix a time and place for public hearings of the matters under investigation. Before proceeding to make such investigation, the Commission shall give the utility and the complainant at least ten days' notice of the time and place when and where such matters will be considered and determined, and all parties shall be entitled to be heard, through themselves or their counsel, and shall have process to enforce the attendance of witnesses. At the hearing held pursuant to such notice, the Commission may take such testimony as may be offered or as it may desire, and may make such other further investigation as in its opinion is desirable.

§ 29. When complaint is made of more than one matter or thing, the Commission may, when justice or convenience so requires, order separate hearings thereon and may thereupon hear and determine the several matters complained of separately and at such times as it may prescribe. In any hearing, proceeding or investigation conducted by the Commission, any party may be heard in person or by attorney.

§ 30. If upon such investigation and hearing the Commission shall find that any rate, service regulation, classifica-

tion, practice or service is unfair, unreasonable, unjust or inadequate, or unjustly discriminatory, or unduly preferential, or unfairly competitive, or that the service is inadequate or cannot be obtained, it may fix and order substituted therefor such rate, service regulation, classification, practice or service as it shall determine to be just, reasonable, fair and adequate, and if the finding of the Commission be that the rate, service regulation, classification, practice or service investigated by it, be just reasonable, and fair and adequate, it shall enter an order approving the same. Any such orders shall be final within the meaning of this Act.

§ 31. Whenever, after investigation in accordance with the provisions of this Act, the Commission shall be of the opinion that any provision or requirement of this Act, or any order of the Commission is being violated, it may make and enter of record an order in the premises specifying the actual or proposed acts or omission to act which constitute such real or proposed violation and requiring that such violation be discontinued or rectified, or both, or that it be prevented. No order, however, shall be made by the Commission affecting any rate or service except as otherwise specifically provided, unless or until a public hearing has been held in accordance with the provisions of this Act.

§ 32. It shall be unlawful except as herein otherwise provided for any utility to charge, demand, collect, or receive a greater or less rate for any service performed by it within the State or for any service in connection therewith than is specified in such schedule of rates and service regulations as may at the time be in force, or to demand, collect, or receive any rate not specified in such schedule of rates and service regulations. The rates and service regulations specified in such schedules shall be the lawful rates and service regulations until the same are changed as provided in this Act; nor shall any person, except as herein otherwise provided, receive or accept any service from a utility for a rate greater or less than that prescribed in such schedules.

§ 33. The Commission, by order, may require any utility,

or any officer or agent thereof, to produce within the State at such reasonable time and place as it may designate, any books, records, accounts, or documents kept in any office or place without or within the State or certified copies thereof, whenever the production thereof is reasonably required and pertinent to any matter under investigation before the Commission, in order that an examination thereof may be made by the Commission, or by any person employed by the Commission.

§ 34. The Commission may prescribe adequate standards of service rendered or to be rendered by any utility, and may prescribe regulations for the examination and testing of such service and for the measurement thereof.

§ 35. The Commission may prescribe reasonable rules, regulations and standards to secure the substantial accuracy of all meters and appliances for measurement, which shall be complied with by the utility and consumer.

§ 36. The Commission may provide for the inspection of the manner in which any utility complies with the rules, regulations and standards fixed by the Commission to secure the accuracy of all meters and appliances for measurement, and the commission may examine and test any and all meters and appliances for measurement under such rules and regulations as it may prescribe; and at all inspections and tests made in pursuance of complaints, representatives of the utility complained of and of the complaint may be present.

§ 37. Any consumer or user may have any meter or appliance for measurement tested by the Commission upon payment of fees fixed by the Commission. The Commission shall declare and establish reasonable fees to be paid for examining and testing such appliances on the request of consumers, the fee to be paid by the consumer or user at the time of his request, but to be paid by the utility and refunded to the consumer or user if the measuring appliances be found unreasonably defective or incorrect to the substantial disadvantage of the consumer or user.

§ 38. The Commission may, when it deems it advisable to do so, establish a uniform system of accounts for each utility which system shall be uniform for all utilities of the same kind and class, and may make such regulations regarding the accounts and statistics of each utility for the purpose of insuring uniform and correct books of account and record as in the judgment of the Commission may be necessary to carry out any of the provisions of this Act.

§ 39. Every utility furnishing service within the State shall maintain an office located in the State, in which shall be kept such books of account and such record of the business done in this State as the Commission shall require to be kept in the State.

§ 40. Every utility shall keep its books, papers and records accurately and faithfully according to the system of accounts and regulations prescribed by the Commission, and shall comply with all reasonable directions of the Commission relating thereto.

§ 41. Every utility when and as required by the Commission, shall file with the Commission such annual, or other reports and such other information as the Commission may desire. The Commission shall prepare and distribute to every utility blank forms for any reports required under this Act.

§ 42. The Commission may prescribe such changes in the form in which the schedules and service regulations are issued by any utility as may be found to be expedient.

§ 43. The Commission may provide for a comprehensive classification of service for each utility, and such classification may take into account the quality used, the time when used, the purpose for which used, or any other reasonable consideration. Each utility is required to conform its schedule of rates to such classification.

§ 44. For all the purposes of this Act the Commission

may in its discretion deem and treat any utility, the property of which is operated in connection with or as a part of a general system of any other utility and all of the capital stock of which or substantially all of the capital stock of which is owned or controlled by such other utility or by any person or persons who own or control all of the capital stock or substantially all of the capital stock of such other utility as a part of or consolidated with such owning or controlling utility or such other utility whose stock is so owned or controlled.

§ 45. The Commission shall have authority to inquire into the management of the business of all utilities and shall keep itself informed as to the manner and method in which the same are conducted, and shall have the right to obtain from any utility all necessary information to enable the Commission to perform its duties.

§ 46. The Commission shall also have the power and authority, and it shall be its duty, to examine and inspect, or cause to be examined and inspected at reasonable times and in a reasonable manner, under its authority, the books, records, accounts, documents, plant, property, and facilities of any utility insofar as the same may be pertinent to any matter under investigation before the Commission; provided, that any person shall reduce when so required, his authority from the Commission to make such examination or inspection under the seal of the Commission.

§ 47. No plant, property, or facility for the production, transmission, delivery or furnishing of gas, electricity, water, telephone, or telegraph shall be constructed except ordinary extensions of existing systems in the usual course of business until written application is first made to the Commission for the issuance of a certificate of convenience and necessity and the issuance by the Commission of such certificate. Upon the filing of any such application, and after a public hearing of all parties interested, the Commission may, not, in its discretion, issue such a certificate of convenience and necessity

and if issued, may prescribe such conditions upon the issuance as it may deem advisable.

§ 48. Unless exercised within a period designated by the Commission, but not exceeding one year from the grant thereof, exclusive of any delay due to the order of any court, or to failure to obtain any grant or consent, authority conferred by a certificate of convenience and necessity issued by the Commission shall be null and void; but the beginning of the construction of the road, line, system or works of such utility, in good faith, within the time prescribed by the Commission and the prosecution of the same with reasonable diligence, shall constitute a compliance with such certificate.

§ 49. No utility shall abandon all or any portion of its service to the public, except ordinary discontinuances of service for non-payment of charges, non-users and similar reasons in the usual course of business, unless and until written application is first made to the Commission for the issuance of a certificate that the present or future public convenience or necessity permits of such abandonment, and the issuance of such a certificate. Upon the filing of such application and after a public hearing of all parties interested, the Commission may, or may not, in its discretion issue such certificate.

§ 50. Whenever the Commission shall make any order or determination, or issue any subpoena, notice or writ, notice thereof may be served on the person affected thereby by delivering a copy of such order, subpoena, notice or writ, signed by or in the name of the chairman of the Commission, to any such person or an officer or agent of such person, if a corporation, as in the case of civil process, which service may be executed by any member of the Commission, the secretary, or any employee thereof, or by any sheriff of the State, and a copy of such order, subpoena, notice or writ, with the service endorsed thereon, must be returned to the Commission and entered of record as a part of the proceedings, and such endorsement and return shall be prima facie evidence that such order, subpoena, notice or writ has been duly served.

§ 51. Each of the Commissioners, for the purpose mentioned in this Act, and in all hearings before the Commission, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books and papers.

§ 52. In case of failure or refusal on the part of any person to comply with any order of the Commission or of any Commissioner, or any subpoena, or on the refusal of any witness to testify or answer as to any matter regarding which he may be lawfully interrogated, any circuit court in this State, or any judge thereof, on application of a Commissioner, may issue any attachment for such person and compel him to comply with such order, or to attend before the Commission and produce such documents and give his testimony upon such matters as may be lawfully required, and the court or judge shall have power to punish for contempt as in cases of disobedience of a like order or subpoena issued by or from such court, or a refusal to testify therein.

§ 53. A substantial compliance by the Commission with the requirements of this Act shall be sufficient to give effect to all rules, orders, acts, and regulations of the Commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

§ 54. No person shall be excused from attending and testifying or from producing books and papers before the Commission or in obedience to the subpoena of the Commission, whether such subpoena be signed or issued by one or more of the members of the Commission in any investigation held by or before the Commission or in any cause or proceeding in any court by or against the Commission provided for in this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may be required

to testify or produce evidence, documentary or otherwise, before said Commission, or in obedience to its subpoena, or in any such cause or proceeding; provided, that no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

§ 55. The Commission, or, with the consent of the Commission, any party to any proceeding before the Commission, may, in any investigation, cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for depositions in civil actions, in circuit courts, such depositions to be taken on a Commission to be issued by the secretary of the Commission, made returnable to the Commission.

§ 56. Each witness who shall appear before the Commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses of the Commission are audited and paid, upon the presentation of proper vouchers, sworn to by such witnesses and approved by the chairman of the Commission; but no witness subpoenaed at the instance of parties other than the Commission shall be entitled to compensation from the State for attendance or travel, unless the Commission shall certify that his testimony was material in the matter investigated.

§ 57. Unless a different time be prescribed by the Commission, every order of the Commission shall be effective twenty days after the service thereof, and shall be served immediately after his entry of record upon every party required to obey the same.

§ 58. At any time after the entry thereof the Commission, in the manner provided for in the making thereof, may alter, amend, annul or otherwise modify any order, but no such modification shall in any way affect the validity of any act done or omitted by any utility on the faith of such order,

or in pursuance of its terms, prior to notice of the modification thereof.

§ 59. At any time after an order has been made by the Commission any person interested therein may apply for a rehearing in respect to any matter determined therein, and the Commission shall grant and hold such a rehearing if in its judgment sufficient reasons therefor be made to appear, which rehearing shall be subject to such rules as the Commission may prescribe. Application for such a rehearing shall not excuse any utility or person from complying with or obeying an order of the Commission, or operate in any manner to stay or postpone the enforcement thereof except as the Commission may by order direct. Any order of the Commission made after such rehearing shall have the same force and effect as an original order, but shall not affect any right, or the enforcement of any right, arising from or by virtue of compliance with the original order prior to the order made after rehearing.

§ 60. From any final action or order of the Commission in the exercise of the jurisdiction powers and authority conferred upon the Commission by this Act, an appeal shall lie to the circuit court of Franklin County, sitting in equity, and thence to the Court of Appeals of Kentucky. Such appeals and the supersedeas and stay of the action or order appealed from shall be governed by the provisions of law now in force or hereafter enacted respecting appeals in other cases from the orders and actions of the Commission.

§ 61. No preliminary injunction or interlocutory order, or decree or process suspending or restraining or affecting the enforcement of any action, order or determination of the Commission shall be granted by any judge or court, except upon hearing, after at least five days' notice to Commission.

§ 62. It shall be the duty of courts of competent jurisdiction to entertain and determine all actions commenced under the provisions of this Act, and to enforce the provisions

of this Act, or of any order of the Commission, by mandamus, or by injunction, or by any other appropriate remedy.

§ 63. All reports, records, and accounts in the possession of the Commission shall be open to inspection by the public at all times, except as otherwise provided for in this Act, or as ordered by the Commission, and under the rules prescribed by the Commission.

§ 64. The rights, powers, authority, jurisdiction and duties by this Act conferred upon the Commission shall be exclusive and in respect of rates and service regulations, shall be exercised notwithstanding any rights heretofore acquired by the public under any franchise, contract or agreement between any utility and municipality, county, or municipal subdivision of the State, and shall be exercised, so far as they may be exercised consistently with the constitution of the State and of the United States, notwithstanding any right heretofore so acquired by any such utility. Nothing in this section or elsewhere in this Act contained is intended or shall be construed: (a) To limit or restrict the police jurisdiction or power of municipalities over their streets and other highways and public places or the power to maintain or the power to require maintenance of the same; (b) to limit or restrict any right or power, by contract or otherwise, of any municipality to require utilities to have and maintain the portions of highways used and occupied by them; (c) in respect of matters other than rates and service regulations, over which exclusive jurisdiction is conferred by this Act upon the Commission to affect existing right and powers or rights and powers hereafter acquired by municipalities under valid contracts with utilities; (d) in respect of matters other than rates and service regulations, to repeal any power of any municipality (1) to adopt and enforce reasonable police regulations and ordinances in the interest of the public safety, moral and convenience, or (2) to protect the public against fraud, imposition or oppression by utilities within their respective jurisdictions, or (3) to require the discharge by utilities of their respective duties within such municipalities,

whether arising out of contracts with the municipality, or by statute or regulation by the Commission or otherwise. Any utility accepting under the provisions of this Act any rate of service regulation more favorable to it than provided by any ordinance or contract under which it claims rights from any municipality shall be held to waive any and all terms and conditions in such ordinance or contracts as to rates and service regulations in its favor and to submit the same in all respects to reasonable regulations by the State or its lawful agencies.

§ 65. A full and complete record of all proceedings before the Commission on any investigation had, and all testimony therein, shall be taken down by a stenographer appointed by the Commission. A copy of such transcript shall be furnished on demand, to any party to such investigation, or other person, upon the payment of the cost of transcribing the testimony, not exceeding ten cents per folio. The Commission is authorized to fix and establish a schedule of fees to be charged for copies of opinions, orders, reports, and other records of the Commission and certification under seal of the Commission, all of which shall be turned over to the State Treasurer at monthly intervals.

§ 66. Every order of the Commission shall be in writing, and in cases of importance may be accompanied by an opinion, setting forth in brief, the facts on which the Commission has based its order. The Commission shall provide for the assembling and publication from time to time of its opinions and orders.

§ 67. If any utility doing business in the State, or its authorized agents or employees, is guilty of making or demanding or receiving any rate or charge for any service different from that prescribed by the Commission, as by this Act authorized, and after due notice of such violation given to the president or managing officer, or any superintendent thereof in this State, and if ample and full recompense for the wrong or injury thereby done to the person complaining shall

not be made within sixty days from the time of such notice, such utility shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars.

§ 68. Any utility subject to the provisions of this Act which fails to file the annual report provided for in this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding $50.00 for each day of such failure.

§ 69. Any person who wilfully makes any false return or report to the Commission, or to any member, agent, or employee thereof, and any person who knowingly aids or abets such person, is guilty of a felony, and upon conviction shall be imprisoned as the court may direct, for a term of not exceeding five years.

§ 70. Any person who wilfully makes any false entry in the accounts or records prescribed by the Commission for any utility or wilfully destroys, mutilates, or by any other means wilfully falsifies such accounts or records, or wilfully neglects or fails to make full true or correct entries of all facts and transactions appertaining thereto is guilty of a felony, and upon conviction shall be imprisoned, as the court may direct, for a term of not exceeding five years.

§ 71. Any regular or special employee of the Commission who divulges any fact or information coming to his knowledge respecting any inspection, examination or investigation of any account, record, memorandum, book or paper, or of the property and facilities of a utility, except insofar as he may be authorized by the Commission or a court of competent jurisdiction, or a judge thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars.

§ 72. Any person who shall demand, or knowingly accept or receive any rebate, concession, or discrimination in re-

spect of charges or rates of service of any utility subject to this Act, or who shall knowingly, by any device whatever, secure a less rate than that named in the schedule or service regulations of such utility filed with the Commission, whereby such person shall receive any service or advantage other than is provided by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand dollars.

§ 73. Any person who knowingly makes any false statement of fact under oath whether oral or in writing, as required by this Act, is guilty of perjury, and upon conviction shall be punished as provided for in the perjury statutes of this State.

§ 74. Any penalty of forfeiture imposed, declared or implied under the provisions of this Act may be enforced by a civil action at the suit of the State, and the Commission may institute and prosecute, or cause to be instituted and prosecuted such action for the enforcement of such penalties or forfeitures to the State.

§ 75. Every utility over which the Commission is given power herein shall file with the Commission, within ten days after this Act becomes effective, its full corporate name, character of its business, the name of its Kentucky agent upon whom service is authorized to be had, and the place of business in Kentucky.

§ 76. The Commission shall have power, upon consultation with and the approval of the Governor, to appoint or employ such additional officers and such accountants, engineers, experts, inspectors, clerks and employees as it may deem necessary or expedient to carry out the provisions of this Act, or to perform the duties and exercise, the powers conferred by law upon the Commission. All such additional officers and such accountants, engineers, experts, inspectors, clerks and employees shall receive compensation to be fixed by the Commission, subject to the approval of the Governor.

The Commissioners and their officers, accountants, engineers, clerks, inspectors, experts, and other employees shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements necessarily incurred or made by them in the discharge of their official duties. The Commission may also incur necessary expense for office furniture, stationery, printing and other incidental expenses. All money paid out under the provisions of this section shall be paid out of the State treasury on warrants drawn by the State Auditor on the State Treasurer, and approved by the Governor.

§ 77. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not effect, impair or invalidate the remainder of the Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

§ 78. This Act is to be known as and may be cited as the "Kentucky Public Utility Act of 1932."

§ 79. This Act shall take effect thirty days after its approval by the Governor. All laws or parts of laws, general or special, in conflict herewith, are hereby repealed.

Senator Rose proposed the following resolution:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Whereas, the Statutes of the Commonwealth of Kentucky requires any person or persons who promote or oppose legislation and acting in the capacity as lobbyist to register in the office of the Attorney General, giving their names and addresses, and the company that they represent, and

Whereas, there are persons now engaged in lobbying in

favor of and against legislation now pending before the General Assembly of Kentucky, and

Whereas, the members composing the General Assembly come from all parts of the State and are unacquainted with such persons and are unable to judge of the sincerity of their motives and purposes without knowing who they are and what they represent, and

Whereas, it is not convenient for the members of the General Assembly to visit the Attorney General's office and examine said register from time to time without great loss of time,

Therefore, be it resolved that the Attorney General of this State be requested to furnish a list on Tuesday, February 2, 1932, and on each Monday thereafter of all registered lobbyists, giving their names, residence and the company that they represent, and that he be requested to furnish on each Monday thereafter, as long as this Legislature is in session, such additional lobbyists with their names, addresses and company that they represent to the House and Senate so they may be informed as to who are lobbyists and what company they represent. That the clerk be requested to have printed and placed on the desk of each member of the House and Senate a list of all said lobbyists so furnished, giving their names, addresses and the companies that they represent.

Senator Rose moved that the rules be suspended and that said resolution be adopted.

Said motion was agreed to.

The question being taken on the adoption of said resolution, it was decided in the affirmative.

Said resolution was adopted.

The following communication was received from Wilson

Rice, acting Exalted Ruler of the Benevolent and Protective Order of Elks:

To the members of the General Assembly and their friends who are affiliated with the Benevolent and Protective Order of Elks:

You are cordially invited to visit our home located on Lewis Street just off Main adjacent to the property of the Farmers Deposit Bank Building, and to make use of our lodge during your stay here.

We shall consider it an honor and a privilege to serve you in any way possible and shall be grateful for any opportunity to amuse you that may avail itself.

Respectfully,
WILSON RICE,
Acting Exalted Ruler.

Said communication was ordered to be filed.

COMMITTEE REPORTS

Senator Ragan of the Committee on Public Health to which had been referred a bill of the following title:

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

Reported without an expression of opinion.

Senator Pogue of the Committee on Kentucky Statutes No. 2, to which had been referred a bill of the following title:

S. B. 41. An Act relating to redemption of land sold for taxes and possession of same, to collection of delinquent taxes and to the duties of County Judges, Sheriffs, County Clerks and County Attorneys, amending Section 4151-2, Kentucky Statutes, Carroll's 1930 Edition.

Reported with expression of opinion that same ought to pass.

Senator Pogue of the Committee on Kentucky Statutes No. 2, to which had been referred a bill of the following title:

S. B. 14. An Act to repeal Section 1697 Carroll's Kentucky Statutes 1930 and enacting in its stead an act fixing the exemptions from execution attachment distress or fee bill of persons with a family resident in this Commonwealth.

Reported with expression of opinion that same ought to pass.

Senator Royster of the Committee on Fish and Game, to which had been referred a bill of the following title:

S. B. 52. An Act to amend paragraph eleven (11), Section 1938a, Chapter 57, and paragraph twenty-four (24), Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's 1930 Edition, relating to open season and bag limit on quail or bobwhite, and license to hunt, and providing for statement of game birds and animals killed, by adding thereto the language as hereinafter set out.

Reported with expression of opinion that same ought tc pass.

Senator Gates F. Young of the Committee on Banks and Banking, to which had been referred a bill of the following title:

S. B. 139. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

Reported with expression of opinion that same ought to pass.

Senator Moss of the Committee on Library and Historical

Records, to which had been referred a bill of the following title:

H. Res. 10. A resolution memorializing Congress to appropriate funds and appoint a Commission to celebrate the siege of Bryan Station and the battle of Blue Licks in August, 1932.

Reported with expression of opinion that same ought to pass.

Senator Royster of the Committee on Fish and Game, to which had been referred a bill of the following title:

S. B. 85. An Act to amend and re-enact section 1954b-11 of Carroll's Kentucky Statutes, 1930 edition, relating to fur bearing animals changing the date of the closed season.

Reported with expression of opinion that same ought to pass.

Senator Ferguson of the Committee on National Parks, to which had been referred a bill of the following title:

S. B. 87. An Act relating to the conveyance of the Perryville Battlefield to the United States of America for national cemetery or park purposes.

Reported with expression of opinion that same ought to pass.

Senator Dawson of the Committee on Roads and Highways, to which had been referred a bill of the following title:

S. B. 5. An Act relating to roads and bridges and establishing as a part of the State Primary Highway System a road leading from Smithland, Livingston County, Kentucky, to Madisonville, Kentucky, to be known hereafter, as the Ruby Laffoon Trail and designating same, as State Project No.—.

Reported with expression of opinion that same ought to pass.

Senator Humphreys of the Committee on Veteran's Legislation, to which had been referred a bill of the following title:

H. B. 36. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said Board.

Reported with expression of opinion that same ought to pass.

Senator Booles of the Committee on Revenue and Taxation, to which had been referred a bill of the following title:

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Reported with expression of opinion that same ought to pass.

Senator Ferguson of the Committee on National Parks to which had been referred a bill of the following title:

S. B. 157. An Act prohibiting cattle from running or trespassing on State and national parks, encampment grounds, scout camps, and grounds dedicated to religious, educational and recreational purposes, and providing penalties therefor.

Reported with expression of opinion that same ought to pass.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and resolutions of the following titles:

H. B. 16. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as 'An Act relating to the Government of Cities of the second class of the Commonwealth of Kentucky,' approved February 12, 1930.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 20 of Chapter 91 of the 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the government of Cities of the Second Class of the Commonwealth of Kentucky," be amended and re-enacted so that the same, when amended and re-enacted, shall read as follows, to-wit.:

"Section 20. The board of commissioners shall, upon written advice of the City Manager, create, by ordinance, such administrative departments as, in the judgment of the board, are reasonably required for the efficient, orderly and economic administration of the business affairs of the city; and may at any time create new departments, combine or abolish existing departments, except insofar as they relate to the police and fire departments of the city, or establish temporary departments; and may also prescribe by ordinance the functions of each department and provide for the appointment or employment of a director of such, or of one or more of such departments. Directors of departments shall be appointed by the city manager and may be removed by him at any time; except that this provision shall in no way apply to members of the

police or fire departments of said city. Any person employed in any department, may be removed at any time by the director of such department or by the city manager, subject to such civil service rules and regulations as may be deemed necessary for the efficient and non-political handling of city affairs; provided, however, that no member of the police or fire departments of the city may be removed or suspended except as hereinafter provided in this section.

The City Manager shall have full control over the police and fire department of the city, together with all the property and paraphernalia belonging thereto, and shall have the power to appoint a chief of police and all policemen, and chief of the fire department and all subordinates, and the board of commissioners are empowered to ordain and put into execution such by-laws, rules and regulations for the government of each of said departments as may be deemed expedient, and to prescribe the qualifications, duties and grade of the members and officers of each department.

The City Manager shall require all applicants for appointment as members of the police force or fire department to be examined as to their qualifications to fill the office of policemen or firemen, and as to their knowledge of the English language and as to the law and rules governing the duties of policemen or firemen. Each member of the police force or fire department shall be a qualified voter of the city in which he is appointed and be able to read and write and understand the English language, and to have such other qualifications as may be prescribed.

No person shall be appointed a member or officer of the police force or fire department unless he is well known to be a man of sobriety and integrity and has been or is an orderly, law abiding citizen, nor shall any person be appointed a member or officer of said force or fire department on account of any political partisan service rendered by him, or on account of political sentiment or affiliations, or who is over fifty years of age, nor shall any officer or member of said force or fire depart-

ment be removed or discharged or reduced in grade, or in pay, for any political partisan opinion. Their appointment and continuance upon the police force and fire department shall depend solely upon their ability and willingness to enforce the law, and comply with the rules of the police or fire department. No appointment to or continuance in any such position shall be as a reward for political activity, nor be obtained by political service or contribution to campaign funds, nor shall any member of said departments pay or collect any assessments made by political organizations, or contribute to political campaign funds or be unduly active in politics, or work for the election of candidates for office. The examination and qualifications provided for in this act shall not apply to the members of the police force or fire department at this time, who have been continuously in said service for a period of five years. Members of the police and fire departments otherwise qualified under this law shall hold their positions during good behavior, providing, however, that the provisions of this act shall not prevent the board from decreasing the number of firemen and policemen as the said board may from time to time deem proper, and provided, further, that in the event the board decreases the number of firemen or policemen, the youngest members in point of service in said police or fire departments shall be the first to be reduced and returned to the eligible list of either police or fire departments, there to advance according to the rules and regulations of said departments.

No member or officer of the police force or fire department shall be removed from the force or fire department, reduced in grade, or pay, upon any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the commissioners. Any person may prefer charges against an officer or member of the police force or fire department, which must be filed in the office of the City Manager, who shall thereupon communicate said charges without delay to the Board of Commissioners. Said charges must be written, signed by the person making said charges, and must set out with clearness and distinctness each and every charge. It shall also be the duty of the City Manager,

whenever probable cause appears, to prefer charges against any member or officer of the police force or fire department, whom he believes to have been guilty of any conduct justifying his removal or punishment, in the interest of public order. The charges filed by the City Manager shall be written, and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues so presented. All charges against members or officers of the police force or fire department shall be forthwith filed by the City Manager with the clerk of said board, and within three days after said filing, the commissioners shall proceed to hear and examine said charges; provided two days before said hearing the officer or member of the police force or fire department accused has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused, may, however, in writing, waive the service of said charges, and demand trial within three days after said charges are filed with the clerk of said board. The board will have the power to summon and compel the attendance of witnesses at all hearings, or sittings, by said board upon subpoena, issued by the clerk of said board and served upon said witnesses by any officer authorized to serve subpoenas from any court of justice in the county, and said board shall have the power of a justice of the peace, to punish for contempt. The officer or member of the police force or fire department accused shall have the right to have subpoenaed in his behalf any witness he may desire, upon furnishing their names to the clerk of said board, and the action and decision of the board on said charges shall be reduced to writing and shall be entered in a book to be kept for that purpose, and the written charges filed in the matter shall be preserved and securely attached to the book containing the board's decision.

In cases where the City Manager has probable cause to believe that the officer or member of the police force or fire department has been guilty of any conduct justifying removal or punishment he may suspend said officer or member from

duty, or from both pay and duty, pending said trial, and said officer or member shall not be placed on duty, or allowed pay thereafter, until the charges are heard by the board. The board shall fix punishment against an officer or member of the police force or fire department found guilty of any charge under this statute by a reprimand or suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if the accused be an officer, or by combining any two or more of said punishments or by removal or dismissal from the service of any such officer or member of the force or fire department. No officer or member of the police force or fire department, except as provided in this act, shall be reprimanded, removed, suspended or dismissed from the police or fire department until written charges have been made or preferred against him, and a trial had as herein provided.

Any officer or member of the police force or fire department who shall be found guilty by the board of any charge, as hereinabove provided, shall have the right to appeal to the circuit court of the county in which said city may be located, provided the punishment be a suspension of more than 30 days, or a reducing the grade of an officer or a removal or dismissal from the police force or fire department, but the enforcement of the judgment of said board under such charges shall not be suspended pending said appeal. Upon the request of the party accused, the clerk of the board shall file in the circuit court, a certified copy of the charges made, and of the judgment or finding of the board, which transcript having been filed, the cause shall be docketed in the circuit court and tried de novo by the judge of said court. Should the clerk of said board fail to certify and transmit the transcript aforesaid to the circuit court within five days after the request is made for same, then the party aggrieved may file an affidavit in the said circuit court, setting out as fully as possible the charges made, the time of trial by said court, and the judgment of said board, together with the statements of the fact that demand for transcript had been made upon the clerk of said board more than five days before the filing of said affidavit.

Upon the filing of said affidavit in the circuit court said cause shall be docketed in said court and the circuit court is hereby authorized to compel the filing of said transcript by said clerk, by entering the proper mandatory orders, and by fine and imprisonment, as in other cases of contempt. Such appeal shall have precedence over other business, and be taken up and determined speedily. An appeal will lie from the judgment of the circuit court to the court of appeals as in other cases, provided the punishment fixed by the board be suspension for more than sixty days, reducing the grade of an officer, removal or dismissal from the force.

The City Manager is expressly charged with the duty of having the chiefs and members of the police and fire departments faithfully discharge such duties as may be imposed by law or prescribed by ordinance.

The number of firemen, policemen, detectives and officers of the police and fire departments shall be such as the board of commissioners may from time to time, ordain; and the said board of commissioners shall by ordinance, fix the salaries of the officers and employees and provide for their payment, and the payment of other expenses, of each of said departments.

§2. This Act shall in no manner affect, alter or change the provisions of Sections 3142-b3, 3142-b-4, 3142-b-5, 3142-b-6, 3142-b-7, 3142-b-8, 3142-b-9, 3142-b-10, 3142-b-11, 3142-b-12, 3142-b-13, 3142-b-14, 3142-b-15, 3142-b-16, 3142-b-17, 3142-b-18, and 3142-b-19 of the 1930 Edition of Carroll's Kentucky Statutes, as amended by Chapter 96 of the 1930 Acts of the General Assembly of Kentucky.

§ 3. *Whereas,* this Act is necessary to protect the existing rights of all of the police and firemen in cities of the second class in the State of Kentucky and to protect their rights in the pension funds which now exist, an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

§ 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

H. B. 35. An Act authorizing cities of the third class in Kentucky by ordinance to establish groups of its police or fire departments to obtain the advantages of the group plan of life insurance; and to appropriate from the funds of the city in aid thereof any sum annually, not exceeding fifty per cent of the annual premiums on such policies.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the legislative departments of cities of the third class in Kentucky shall have authority, by ordinance, to form its employees of the police or fire departments into a group, or groups, for the purpose of their obtaining the advantages of the group plan of life insurance; to aid such employees as long as they continue such employment by paying from the funds of the city any sum annually not exceeding fifty per cent of the annual premiums on such policies, and to contract with the insurer on such other terms as may be provided for in such ordinance.

Whereas, many of the police and fire departments of cities of the third class in Kentucky are now without life insurance and can only obtain such insurance upon the group plan and are daily incurring grave hazards to their lives, an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 63. An Act to repeal sections 6, 7, 8, 9, 10 and 26 of Chapter 92 page 477 of the Acts of the General Assembly of 1914, being a portion of the Act providing for the Commission Form of Government for cities of the Third Class,

and the sections repealed by this Act are now sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Carroll's Kentucky Statutes 1930 Edition, and providing in lieu thereof, that the Mayor, Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the Third Class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

To Committee on Suffrage and Elections.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 6, 7, 8, 9, 10, and 26 of Chapter 92, page 477, of the Acts of 1914 relating to the commission form of government of the cities of the Third Class, being now sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Kentucky Statutes, Carroll's Edition of 1930, be and they are hereby repealed and the following is enacted in lieu thereof:

§ 2. The Mayor, Police Judge, Prosecuting Attorney of the Police Court, and City Commissioners, shall be nominated and elected in the manner provided by the general election laws and general primary law of the State of Kentucky for the nomination and election of State and county officers.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

H. B. 111. An Act to define oleomargarine and to prescribe regulations to govern the manufacture, storage and sale thereof; to provide for the issuance of license to the manufacturers and venders thereof on payment of fees therefor; and for revocation of such license for violations of this Act; to provide a privilege tax on sales of oleomargarine; to provide for the enforcement of the provisions of this Act by the State Tax Commission and its agents; and declaring a viola-

tion of this Act to be a misdemeanor and providing punishment therefor, and authorizing the State Tax Commission to make rules and regulations to carry into effect this Act, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

To Committee on Revenue and Taxation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term person as used in this act shall include individuals, firms, co-partnerships, associations and corporations, both foreign and domestic.

§ 2. That for the purpose of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as Oleomargarine, namely: All substances heretofore known as oleomargarine, ole, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet; lard, lard oil, fish or fish oil, palm oil, vegetable oil, annetto and other coloring matter, intestinal fat, and offal fat—if (1) made in immitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water or other liquid, and containing moisture in excess of one per centum, or salt in any quantity whatsoever. This section shall not apply (1) to puff pastry, shortening not churned or emulsified in milk or cream, and having a melting point of one hundred and eighteen degrees Fahrenheit or more, nor (2) to any of the following containing condiments and spices: salad dressings, mayonnaise dressing, or mayonnaise products, nor (3) to pharmaceutical preparations.

§ 3. That whoever, in person or by agent, sells, exposes for sale, or has in possession with intent to sell, oleomargarine

as defined in Section 2 of this act, shall have the word "oleomargarine" branded upon the top, sides and bottom of every tub, firkin, box or package containing any of said articles, in plain Gothic letters of not less than twenty point type. This brand must cover a space of not less than three and one-eighth inches in length on each panel, and shall be printed in a conspicuous color, which forms a strong contrast with the color of the package; and whoever, in person or by agent exposes or offers for sale any oleomargarine not in the original package, shall attach to said article, in a conspicuous place, a label bearing the word "oleomargarine" as provided for above and in case of retail sales of any said article, substances or compound from bulk, tub or other container, the seller shall in person or by agent, attach to each package so sold and delivered therewith to the purchasers, label or wrapper bearing in a conspicuous place upon the outside of the package, the word "oleomargarine" printed in plain Gothic letters of not less than twenty point type.

§ 4. That no person, by himself or his agent or servant, shall manufacture, sell, offer for sale, expose for sale or have in his possession, with intent to sell, any article compound or product, made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced directly and at the time of manufacture, from unadulterated milk or cream from the same, which shall be in imitation of butter, produced from pure unadulterated milk, cream, or the combination of same. Provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, as defined in Section 2 of this act, in a separate and distinct form, and in such a manner as prescribed in said section.

§ 5. That every person desiring to manufacture, sell or offer for sale, or have in possession with intent to sell oleomargarine as defined in Section 2 of this act, shall make application for a license to do so, which shall be in such form as shall be prescribed by the State Tax Commission or its agents, said application shall be furnished by the State Tax Commission in such form with such information thereon as may be deemed necessary or expedient for the fulfillment of

the provisions of this act, such application shall contain an accurate description of the place where the proposed business is intended to be carried on, the name, style of firm and such other information as may be prescribed to conduct the said business, such licenses shall be furnished to the firm, person, manufacturer, or retailer and the State Tax Commission shall issue such license properly signed and certified to, charging the following fees: Manufacturer's license, five dollars ($5.00); jobber's license, three dollars ($3.00), retail merchant's license, two dollars ($2.00), said license to be for the period of one year; after obtaining the license required by this action, the person obtaining the same shall, before beginning any business granted under the said license, hang up and display in a conspicuous place, on the walls of the room, store or factory in which oleomargarine is offered or exposed for sale, the license so obtained as aforesaid; and shall also procure from the State Tax Commission a sign, or signs, which in number, size and lettering shall be uniform throughout the State, clearly setting forth that he is engaged in the manufacture, or sale of oleomargarine.

§ 6. That any person operating a restaurant, lunch-counter, boarding house, or other place where food is served to the public using and serving oleomargarine, shall have cards placed in plain view on all four walls, opposite the table or tables or other places where guests are served, such signs as may be required by the State Tax Commission which shall have printed thereon "oleomargarine, used here," and where menus cards are used the words "oleomargarine used here" shall appear in type in a conspicuous place thereon in as large letters as appear on the menu card, and provided further, that any person operating any above named public place serving food shall make application to the State Tax Commission as required in Section 5 of this act, and shall pay the following license fee: Three dollars ($3.00) for each hotel, two dollars ($2.00) for each restaurant, cafe, lunch-counter, pie wagon, club, or any other place where food is served to the public, and one dollar ($1.00) for each boarding house, upon the issuance of such license, the licensee or agent of such place or places

shall keep constantly posted the license as herein granted under the provisions of this section.

§ 7. That the State Tax Commission shall have authority to revoke any license issued under this act for the repeated non-observance by licensee of the provisions of this act, or because licensee's place of business is in an unduly insanitary condition; provided, however, that five days' written notice, speculating the complaint may be given licensee to appear before the State Tax Commission and show cause why such license should not be revoked. If after the revocation of such license the licensee should comply with the requirements of the law and make manifest in writing their intentions to observe them in the future, the State Tax Commission may issue to them another license upon their paying the required fee therefor.

§ 8. That no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of oleomargarine as defined in Section 2 of this act, the words butterine, creamery, or dairy, or the representation of a cow of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry, except only the labeling requirements described in Section 3 of this act; no person shall efface, erase, cancel or remove any mark, statement, label or stamp required by this act with intent to mislead, deceive or with intent to violate any of the provisions of this act.

§ 8a. That there is hereby levied a tax to the amount of ten cents per pound on all oleomargarine sold in the State as defined in Section 2 of this act, such tax to be in the form of a stamp in such denominations as will best carry out the provisions of this section, said STAMPS shall be properly safeguarded as to their manufacture, preservation and distribution, and shall be in custody and charge of the State Tax Commission and provided further, that the affixing and cancellation of said stamps shall be directed by the State Tax

Commission, "This tax to be in addition to the license fees defined in Section 5 and 6 of this bill and license shall be dated January 1 of each year and expire December 31 of the same year."

§ 9. That no State, county, municipal or other institution supported in whole or in part by public funds, shall furnish to its inmates, patrons, or employees, or use in the preparation of their food any oleomargarine or similar substitutes for butter as defined in Section 2 of this act.

§ 10. All revenue and fees collected by the State Tax Commission under the provisions of this act, shall be paid into the State Treasury to the credit of the general fund.

§ 11. The State Tax Commission is hereby authorized to appoint the necessary agents or deputies for the purpose of carrying out the provisions of this act, and said agents, deputies, and employees, are hereby authorized and empowered to enter, during business hours, for the purpose of carrying out the provisions of this act, all places of business that may come under the provisions of this act.

§ 12. That to facilitate the inspection of oleomargarine as prescribed in this act, all manufacturers, jobbers, and wholesalers making shipments into or within the State are hereby required to forward to the State Tax Commission on forms to be furnished by the said Commission and on date of shipment, notification of the amount of such oleomargarine together with the car number and/or transportation company, the name and address of the consignees, together with the brand or brands making up such shipment.

§ 13. The State Tax Commission is hereby empowered to promulgate such rules and regulations as are consistent with the provisions of this act, provided, however, that when requested by any person interested, the State Tax Commission shall furnish copies of all proposed rules and regulations at least ten days before such rules and regulations become effective so that the person may be heard thereon.

§ 14. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, for the first offense shall be fined not less than ten ($10.00), nor more than fifty dollars ($50.00), and for such subsequent offense, shall be fined not less than twenty-five dollars ($25.00), or be imprisoned in the county jail for not more than twelve months, nor less than sixty days, or shall suffer both fine and imprisonment.

§ 15. That if any section, subsection, clause, provision, or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, or provision of this act.

§ 16. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

§ 17. *Whereas,* the present State revenue does not meet the immediate needs for the maintenance and development of the State government and its agencies, and the credit of the State is threatened with impairment, an emergency is declared to exist, and this act shall become a law and become effective upon its passage and approval by the Governor.

H. Res. 22. Resolution to invite Governor Ritchie to address the General Assembly.

Said resolution was ordered to lie on the Clerk's desk.

CALENDAR

Senator Rose moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

S. B. 13. An Act to amend and re-enact Section 20 of

Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as 'An Act relating to the Government of Cities of the second class of the Commonwealth of Kentucky,' approved February 12, 1930.

S. B. 4xx. An Act amending Sections 3766e-2, Kentucky Statutes, Baldwin's Kentucky Statutes Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, and 3766e-9, Kentucky Statutes, Carroll's 1930 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, and Section 9, Chapter 164 of the Acts of the General Assembly of 1928, respectively, and declaring an emergency to exist.

S. B. 48. An Act authorizing, empowering and directing the Governor to cause an audit, study and survey of all the departments, institutions, boards, commissions and agencies of the Commonwealth; empowering him to employ auditors, accountants, clerks, bookkeepers, attorneys and all other persons necessary to make said audit, study and survey, defining the scope or character of same, and appropriating the sum of One Hundred and Fifty Thousand Dollars ($150,000.00) to be used by the Governor in carrying out the purpose of the Act.

S. B. 16. An Act to amend Section 2740 Kentucky Statutes by Carroll, Official 1930 Edition, also Chapter 89 of the Acts of the General Assembly of Kentucky of 1930, relating to classifications of the cities and towns of the State so as to change the city of Greenville, Muhlenberg County, from a city of the fifth class to a city of the fourth class.

S. B. 60. Bill to provide an appeal from the Board of Equalization cities of the Fifth Class.

S. Res. No. 3. Resolution memorializing the Congress of the United States to make adequate appropriation and appoint a Commission for the purpose of fittingly celebrating the sesquicentennial of the Siege of Bryan Station and the Battle of Blue Licks, in August 1932.

Said bills and resolutions were read by their titles only and ordered to be placed in the orders of the day.

ORDERS OF DAY

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 9. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said Board.

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day, a bill entitled:

S. B. 32. An Act to amend Section 4421a-36 Carroll's Kentucky Statutes 1931 Baldwin Supplement edition relating to organization of the State Textbook Commission by repealing and re-enacting said Section so that when repealed and re-enacted it shall read as follows:

Senator Pogue moved that said bill be recommitted to the Committee on Kentucky Statutes No. 2 with leave to report at any time.

Said motion was agreed to.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

TUESDAY, JANUARY 26, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Dr. E. W. Baxter of the Episcopal Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	Sewell B. Williams
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young
Wm. Isaacs	O. M. Rogers	—38

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Dr. and Mrs. J. B. Jordon.

Said motion was agreed to.

Senator Williams moved that the privileges of the floor be extended to Judge C. A. Bach, G. C. Allen, S. J. Cackrell, Kash Williams, H. H. Miller, B. C. Reed, Irvin Turner, Judge S. H. Hurst, Z. T. Hurst and Mr. Treadway.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Judge Jo. Lindsay and County Attorney Jess Kosh of Winchester.

Said motion was agreed to.

Senator Franklin moved, that the privileges of the floor be extended for the remainder of the week to Tom Logan, C. E. Barnett, J. D. McPherson, Kathleen Wilson and Mrs. L. G. Hayes.

Said motion was agreed to.

Senator Naive moved that the privileges of the floor be extended to Mr. Geo. Hickey and Mr. Goddard of Georgetown.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to Lee Beeler, T. A. Spalding and Lewis Guthrie.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to J. W. Kitchen, Wick Strother, J. K. Lewis, F. S. Webb and Elwood Lewis.

Said motion was agreed to.

Senator Allie W. Young moved that the privileges of the floor be extended to Dr. Geyheart, T. S. Haymond, A. H. Mitchell, Dr. H. R. Skaggs and Cro. C. Caudill.

Said motion was agreed to.

Senator Turner moved that the privileges of the floor be extended to Minor Wathen of Calloway County.

Said motion was agreed to.

Senator Stewart moved that the privileges of the floor be extended to W. H. Allbray, and H. H. Hansborough of Hart County.

Said motion was agreed to.

Senator Stephenson moved that the privileges of the floor be extended to Judge W. L. Stumbo, B. L. Sturgill, Dr. Thos. Hays and Miss Pauline Cooper.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, namely:

By Senator Moore.

S. B. 211. An Act to change the county lines between the counties of Casey and Boyle.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county lines between the counties of Casey and Boyle be changed as follows:

Beginning at a point in the boundary line between Casey and Boyle counties at the west side of Kirkland's Knob, running thence southwestwardly to Black Lick Knob and including the residence of Marion Girdley, thence westwardly from Black Lick Knob south of the residence of Vany Sinkhorn to a knob west of said Sinkhorn's residence, thence westwardly to the Marion County line at a point near the head of Caney Creek.

All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Moore.

S. B. 212. An Act to provide for the regulation and control of public utilities within the Commonwealth of Kentucky; creating a public service commission, defining its powers and duties, providing for its expenses, including the salaries of commissioners, officers and employees, and creating a fund for that purpose, and providing for the collection thereof; providing for the appointment and removal of commissioners, officers and employees, and defining their powers and duties; transferring the powers of the railroad commission to the public service commission under certain conditions, and otherwise defining the jurisdiction of the public service commission as to certain other utilities now within the jurisdiction of the railroad commission; abolishing the commissioner of motor transportation and transferring the powers and duties of that office to the public service commission; providing penalties for the violation of this Act; and providing for adequate court review.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (a) Public Service Commission Created. There shall be, and there is hereby created a commission to be known as "Public Service Commission of Kentucky," which is hereby declared to be a body corporate with power to sue and be sued, and in its corporate name, as above designated, to adopt a corporate seal bearing the following inscription: "Public Service Commission of Kentucky," which seal shall be affixed to all writs, official documents or records, and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

(b) The public service commission shall consist of three commissioners, who shall be appointed by the governor, sub-

ject to confirmation by the General Assembly in joint session assembled, if in session when such appointment is made, if not in session then at its next succeeding session.

(c) On or before the first day of January, one thousand nine hundred thirty-three, the governor shall appoint three commissioners who shall be citizens and residents of this State, and at least one of whom shall be a member of the bar of this State, in good standing, and shall have been in active practice for at least ten years preceding the date of his appointment, the annual salary to be paid each commissioner shall be $5,000.00, together with his necessary traveling expenses, payable as now provided by law to other officers of the State Government, out of funds hereinafter provided for the operation of this law. Said Commissioners shall immediately thereafter enter upon the discharge of their duties, and shall hold office for one (1), two (2) and four (4) years respectively, from the first day of January, one thousand nine hundred thirty-three, the term of each to be designated by the governor, but their successors shall be appointed for a term of four (4) years each, except that any person appointed to fill a vacancy shall serve only for the unexpired term of the commissioner whom he succeeds. They and each of them shall, before entering upon the discharge of their duties, take, subscribe, and file with the Secretary of State, the constitutional oath of office.

(d) The governor shall have power to remove any commissioner, or any officer or employee of the commission for incompetency, neglect of duty, immorality, corrupt practice, or for any malfeasance or misfeasance in office, upon due and reasonable notice, and after a hearing before the governor, at which any such commissioner, officer or employee shall be entitled to be heard in person and by counsel; provided, however, that no such commissioner, officer or employee may be removed by the governor for political party purposes, or by reason of the affiliation of any such commissioner, officer or employee.

(e) The commissioner first appointed to serve four

years, shall be chairman of the Public Service Commission, and thereafter the commissioner whose term of office is longest in point of continuous service upon the commission, shall be and act as chairman.

(f) The concurrent judgment of two of the commissioners shall be deemed to be the action of the commission, when in session as a board, and no vacancy in the commission shall embarrass the right of the remaining commissioners to exercise all of the powers of the commission.

(g) No person while in the employ of or holding any official relation to any public utility, within the meaning of this Act, or holding any stocks, bonds or other securities, either directly or indirectly, or pecuniarily interested therein, either directly or indirectly, shall enter upon the duties of, or hold said office, nor shall any such commissioner be a candidate for or hold public office, or be a member of any political party committee, while acting as such commissioner; nor shall any commissioner or employee of said commission receive any free transportation, or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act. If any of said commissioners shall become a candidate for any public office, or shall become a member of any political party committee, his office as commissioner shall be ipso facto vacated. The taking or receiving, either directly or indirectly by any member of the Public Service Commission, or by any officer or employee thereof, or any rebate, percentage of contract, pass, free transportation, or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act, shall be deemed a felony, and any member of said commission, officer or employee thereof, convicted under this section shall be punished by a fine not to exceed $5,000.00 and by imprisonment in the penitentiary not less than five years nor more than ten years.

§ 2. (a) Subordinates. The public service commission may, subject to approval by the governor, appoint a secretary, a rate clerk, and such other experts, agents, investigators, engineers or other employees and assistants as may be neces-

sary for the powers herein conferred upon the commission, and shall prescribe their respective duties, and fix their compensation, all of which compensation shall not exceed in the aggregate the amount biennially appropriated by the General Assembly for that purpose, out of the funds hereinafter provided for the operation of this law. Such subordinates shall in addition thereto receive their necessary traveling expenses when engaged on the business of the commission and shall be payable as now provided by law in the case of other such officers and employees. The commission may transfer officers or employees from their positions to other positions in the service, or abolish or consolidate such positions. The commission may remove from office any officer or employee of the commission for incompetency, neglect of duty, gross immorality, malfeasance or misfeasance in office, corrupt practices, or for other cause affecting the performance or discharge of his duties, and to reduce the number of employees, but no such officer or employee may be removed by the commission for political party purposes, or by reason of the party affiliation of any such officer or employee. The commission shall have power to establish, consolidate or abolish division or bureaus under its supervision for the purpose of expediting the various branches of the service within its jurisdiction, and for the purpose of making the same more efficient and reducing the expenses of the commission. Each division or bureau and each officer or employee shall be subject to such rules and regulations as the public service commission may from time to time adopt and promulgate for its operation and management.

(b) The secretary shall keep a full and true record of all proceedings of the commission, keep in his custody the files and papers in each proceeding and it shall be his duty to issue all necessary process returns and notices, to keep all books, maps, documents and papers ordered to be filed with the commission and all orders made by the commission, approved and confined by it and ordered to be filed. The secretary shall, with each of the commissioners, have power to administer oaths in all parts of the State, so far as the exercise

of such power is properly incidental to the performance of his duties or that of the commission.

(c) The general office shall be kept at the Capitol of the State and kept open each working day between the hours of nine o'clock A. M., and five o'clock P. M., in charge of the secretary, or some other competent person, but hearings and the taking of evidence may be had at such times and places within the State and in each particular case, as the commission may designate.

(d) The Attorney General shall perform legal services under this Act when required by the commission; provided, however, that the governor upon recommendation of the Attorney General, may appoint counsel for the commission, who shall act as legal advisor to the commission, and who shall perform such other legal services in representing the people in matters under the jurisdiction of the commission, as the Attorney General may direct; such counsel shall be appointed as now provided by Section 112-5 Carroll's Kentucky Statutes, 1922 Edition, except that the compensation of such counsel shall be paid from the funds hereinafter provided for by this Act, for the maintenance of the public service commission, its officers and employees.

§ 3. Procedure, Evidence, Hearings. The commission shall prescribe rules of procedure for filing and answering petitions or complaints and for the taking of evidence, to summon and compel the attendance of witnesses, and to order and compel the production of records, books, papers and documents, in any matter which the commission shall have power to investigate or determine, in the same manner in which like procedure is affected in Circuit Courts; and likewise to cause the depositions of witnesses, residing within or without the State, or absent therefrom to be taken on notice to the interested parties, if any. Such rules shall conform as nearly as practicable to procedure in Circuit Courts, except that in investigations, preparation and hearings the commission may not be bound by the strict technical rules of pleading and evi-

dence, but in that behalf it may exercise such discretion as will facilitate their efforts to understand and ascertain all of the facts bearing upon the right and justice of the matters before them. The Commission may invoke the aid of the Franklin Circuit Court to enforce, by proceedings for contempt, by mandamus injunction or other proper proceeding, all of its orders and to compel obedience to summons or subpoena issued by its secretary.

§ 4. Definition of Public Utility. The term "Public Utility" as used in this Act, shall mean and embrace every corporation, company, individual, association of individuals, co-partnership or joint stock company, their lessees, trustees, or receivers, appointed by any court whatsoever, and every town, city or county, that now or hereafter may own, operate, manage or control any plant or equipment, or any part of plant or equipment, within the Commonwealth of Kentucky for the conveyance of telephone, telegraph or wireless messages, or for the production, transmission, delivery or furnishing of heat, light, water, power, oil, or gas, either directly or indirectly, to or for the public or any part thereof, or that now or hereinafter may own, operate, manage, or control any toll bridge, and all other common carriers, street railways,, interurban electric railways, express companies, wharves, ferries, steam and other boats, engaged in the transportation of passengers, pipe line companies for the transportation of oil, gas and water, hydro-electric companies, for the generation and transmission of light, heat or power, together with all other public service corporations and agencies of like or similar character to those hereinabove described, employed or engaged in any business hereinbefore enumerated.

Provided, however, that none of the provisions of this Act, and none of the powers herein conferred upon the public service commission shall embrace, extend to or apply to any steam railroads now regulated by and under the jurisdiction of the railroad commission, except as otherwise provided for by section 5 of this Act, and;

Provided, further, that any municipality or county,

wherein a public utility is operated, by said municipality, or county and there is no other operating public utility furnishing the same service, the commission may, after a public hearing and determination that said municipally or publicly owned utility cannot be operated profitably, authorize the making of a contract with any person, firm or corporation not a public utility providing for the furnishing of heat, light, power, electric current or water upon such terms and conditions as shall be approved by the public service commission, without the vendor becoming a public utility under this Act.

§ 5. Transfer of Powers of Railroad Commission Under Certain Conditions. All of the powers conferred, and all of the duties imposed, by the Constitution of the Commonwealth of Kentucky and by law, upon the railroad commission, are hereby transferred to and vested in the public service commission created by this Act, if, as and when, the constitution shall have been amended so as to abolish the railroad commission, and all laws or parts of laws or provisions of the constitution in relation to the railroad commission and the subject matter of this jurisdiction theretofore existing, and not inconsistent with this Act, shall be continued in force under the jurisdiction of the public service commission created hereby, unless otherwise provided by law, subsequent to the adoption and ratification by the people of the State of said Constitutional Amendment.

§ 6. Jurisdiction of the Public Service Commission as to Certain Utilities. All of the powers and all of the duties imposed by chapter 61 of the Acts of 1920, now compiled as Section 201-E1-26, Carroll's Kentucky Statutes, 1922 Edition, and by chapter 102 of the Acts of the General Assembly of 1922 now compiled as section 201-G1-20, inclusive, upon the railroad commission in reference to express companies, steam boats, steam boat companies, telegraph companies, telephone companies and all boats and other water craft propelled by the use of oil, gasoline or other means, natural gas companies and natural gas transportation companies, are hereby transferred to and vested in the public service commission to be exercised or performed by it. Whenever the words "railroad

commission'' or other words denoting the commission, in so far as the same relate to any of the public utilities mentioned in this section, appear in either of the Statutes referred to in this section, the same shall be construed to mean the public service commission. All existing provisions of either of said Statutes, not inconsistent with this Act, in relation to express companies, steam boat companies, telegraph companies, and all boats and other water craft, natural gas companies and natural gas transportation companies are continued in force.

§ 7. Transfer of Powers Relating to Motor Transportation. The office of commissioner of motor transportation is hereby abolished, provided, however, that all of the powers and all of the duties imposed by Chapter 112 of the Acts of the General Assembly of 1926 now compiled as Section 2739-J1-41, inclusive, of Carroll's Kentucky Statutes, 1928 Edition, in relation to the supervision, control and regulation of motor transportation of persons for hire, over the public highways of Kentucky, upon the commissioner of motor transportation are hereby transferred to, and vested in, the public service commission to be exercised or performed by it. Whenever the words ''Commissioner of motor transportation'' or words denoting that officer, appear in the Statute in this Section re-to the same shall be construed to mean the public service commission. All existing provisions of said Act, not inconsistent with this Act, in relation to the supervision, regulation and control of motor transportation of persons for hire over the public highways are continued in force.

§ 8. Transfer of Powers. All of the powers and all of the duties imposed by law upon the railroad commission in relation to the supervision, control and regulation of interurban railroads are hereby transferred to and vested in the public service commission to be exercised and performed by it. All existing provisions of law not inconsistent with this Act in relation to the supervision, regulation and control of interurban railroad companies, bridge companies, oil and gas companies and telephone and telegraph companies are continued in force.

§ 9. Powers of Commission. The public service commission of Kentucky shall have power:

(a) To investigate upon its own initiative or upon complaint or petition filed in writing, in such manner as may be provided by the rules of procedure to be adopted by the commission in pursuance of section 3 of this Act, any matter concerning any public utility herein defined.

(b) From time to time to appraise and value the property of any public utility as herein defined, whenever in the judgment of said commission it shall be necessary to do so, for the purpose of executing any of the provisions of this Act, and in making such valuation the public service commission may have access to and use any books, documents or records in the possession of any department, commission or board of the State or any political sub-division thereof, and in making such valuation the commission may avail itself of any information in the possession of the State tax commissioner or of any of its officers or agents or any county tax commissioner or board of supervisors, or other tax authority.

(c) Rates. After hearing upon notice, by order in writing, to fix just and reasonable individual rates, joint rates, tolls, fares, charges or schedules thereof, as well as commutation mileage and other special rates which shall be imposed, observed, and followed thereafter by any public utility as herein defined, whenever the commission shall determine any existing individual rate, joint rate, toll, fare, charge, or schedule thereof or commutation mileage or other special rates to be unjust, unreasonable, excessive, insufficient, or unjustly discriminatory or preferential howsoever the same may have heretofore been fixed or established.

(d) To require every public utility herein defined to file its complete schedule of their classification employed and of every individual or joint rate, toll, fare, or charge made or exacted by it for any products supplied or service rendered within this State as specified in such requirement.

(e) After hearing, by order in writing, to fix just and reasonable standards, classifications, regulations, practices or services to be furnished, imposed, observed and followed thereafter by any public utility as herein defined.

(f) After hearing by order in writing, to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, voltage, or other condition pertaining to the supply of the product or service rendered by any public utility as herein defined, and to prescribe reasonable regulations for examination and test of such product or service and for the measurement thereof.

(g) After hearing, by order in writing, to establish reasonable rules and regulations, specifications and standards, to secure an accuracy of all meters and other appliances for measurements.

(h) To provide for the examination and test of any appliance used for the measuring of any product or service of the public utility as herein defined, and by its agents or examiners to enter upon any premises occupied by any public utility as herein defined for the purpose of making the examinations and tests provided for in this Act.

(i) To fix the fees to be paid by any consumer or user of any product or service of any public utility as herein defined, who may apply to said commission for such examination or test to be made, and any consumer or user may have any such appliances tested upon the payment of the fees fixed by the commission, which fees shall be repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of user, and in that event such fees shall be paid by the public utility concern. All fees collected shall be paid into the State Treasury, and credited to the Public Utilities account.

§ 10. Power of Commission as to Public Utility. The public service commission shall have power, after hearing,

upon notice, by order in writing, to require every public utility as herein defined:

(a) To furnish safe, adequate and proper service and to keep and maintain its property and equipment in such condition as to enable it to do so.

(b) To establish, construct and operate any reasonable extension of its existing facilities, where in the judgment of said commission such extension is reasonable and practicable, and will furnish sufficient business to justify the construction, operation and maintenance of the same, and when the financial condition of the public utility affected reasonably warrants the original expenditure required in making such extension, or to abandon any service when in the judgment of the commission the public welfare no longer requires the same.

(c) To carry for the protection of stock holders, bond holders or securities a proper and adequate depreciation account in accordance with such rules, regulations, and forms of account as the commission may prescribe. The commission shall have power to ascertain and determine, and by order in writing, after hearing, fix proper and adequate rates of depreciation of the property of each public utility and each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall set aside the moneys so provided for out of earnings and carry the same in a depreciation fund. The income from investments of moneys in such fund shall likewise be carried in such fund. This depreciation fund shall not be expended otherwise than for depreciation, improvements, new constructions, extensions, or additions to the property of such public utility, unless the commission shall by purposes other than those herein named.

(d) When any public utility as herein defined shall increase any existing individual rates, joint rates, tolls, fares, charges, or schedules thereof, or change or alter any existing

classification, the commission shall have power either upon written complaint, or upon its own initiative, to hear and determine whether the said increase, change or alteration is just and reasonable. The burden of proof to show that the said increase change, or alteration is just and reasonable, shall be upon the public utility making the same. The commission shall have power upon such hearing and determination to order the suspension, not exceeding three months of said increase, change, or alteration, until the said commission shall have approved said increase, change, or alteration.

Provided, however, that if the investigation cannot be completed within three months, the commission shall have power to extend the period of suspension for such further time as will reasonably enable it to complete its investigation of any such increase, change or alteration. It shall be the duty of the commission to approve any such increase, change or alteration upon being satisfied after full hearing that the same is just and reasonable. In lieu of such suspension the commission may, pending an investigation of any proposed increase require the public utility involved to impound or deposit with the commission the difference between existing rates, charges, tolls or fares and the proposed increase, or to furnish bond with good and sufficient surety to cover the refund due, if after investigation the commission finds any such increase unreasonable or unjust.

(e) To keep its books, records, and accounts so as to afford an intelligent understanding of the conduct of its business and to that end to require every such public utility of the same class to adopt a uniform system of accounting. Such system shall conform, where applicable, to any system adopted or approved by the Interstate Commerce Commission of the United States and to furnish annually, or at such other times as the commission may require, a detailed report of finances and operations as shown by said system of accounts.

§ 11. Unlawful Conduct of Public Utilities. No public utility as herein defined shall:

(a) Make, impose or exact any unreasonable, unjustly discriminatory or unduly preferential, individual or joint rate, or special rate, toll, fare, charge, or schedule for any product, or service supplied or rendered by it within this State.

(b) Adopt or impose any unjust or unreasonable classification in the making of as the basis of any rate, toll, change, fare or schedule for any product or service rendered by it within this State.

(c) Adopt, maintain, or enforce any regulation, practice, or measurement which shall be unjust, unreasonable, unduly preferential or discriminatory, nor shall any public utility as herein defined provide or maintain any service that is unsafe, improper or inadequate, or withhold or refuse any service which can reasonably be demanded and furnished when ordered by said commission.

(d) Hereafter issue any stocks, stock certificates, bonds, debentures, or other evidence of indebtedness, payable in more than one year from the date thereof, until it shall have obtained authority from the commission for such proposed issue. It shall be the duty of the commission, after hearing, to approve any such proposed issue maturing more than one year from the date thereof upon being satisfied that the proposed issue, sale and delivery is to be made in accordance with law and purpose of such be approved by the commission. No lease of its property, rights or franchises, by any such public utility, and no merger or consolidation of its property, rights and franchises by any such public utility with the property rights and franchises of any other such public utility of like character shall be valid until approved by the commission even though power to take such action has been conferred on such public utilities by the State of Kentucky or by any political subdivision thereof.

§ 12. Privileges or Franchises not Valid Until Approved by Commission. No privilege or franchise hereafter granted

to any public utility as herein defined by the State of Kentucky or by any political sub-division thereof shall be valid until approved by said commission, such approval to be given when, after hearing, said commission determines that such privilege or franchise is necessary and proper for the public convenience and properly conserves the public interest, and the commission shall have power if it so approves to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interest may reasonably require.

Any public utility as herein defined may appeal to the commission from any order or regulation made by any local, municipal or county governing body, and said commission is hereby given power and jurisdiction to hear said appeal and to determine the matter in question on the merits and make such order in the premises as may be just and reasonable.

§ 13. Penalties. Every officer, agent, employee or stockholder of any public utility as herein defined, or other person who shall violate any provision of this act, or who procures, aids or abets any violation of this Act by any public utility or public service corporation shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand ($1,000.00) dollars, or be confined in jail not more than six (6) months or both so fined and imprisoned, and if any public utility as herein defined shall be a private corporation and shall violate any of the provisions of this Act, or shall do any act herein prohibited or shall fail and refuse to perform any duty enjoined upon it for which the penalty has not been provided by law, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, for every such violation, failure or refusal such public utility shall forfeit and pay into the treasury a sum not less than twenty-five ($25.00) dollars, nor more than one thousand ($1,000.00) dollars, for each such offense, said sum or sums to be credited by the State Treasurer to the public utilities account as hereinafter provided for. In construing and enforcing the provisions of this section the act, omission or failure of any of-

ficer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

§ 15. Application of Act. The provisions of this Act shall be construed to apply and effect only public utilities as herein defined which furnish product or service within the State of Kentucky, and this Act shall not be construed to extend to any public utility engaged in Interstate Commerce in so far as its government is vested in the Interstate Commerce Commission or other Federal Board Commission or proper authority.

§ 16. Existing Contracts Not Affected. Where any existing contract between any public utility and any municipality or county or the governing body of either specifies that particular things (other than charging certain rates, tolls or fares) shall continue to be done by such public utility, or the nature, kind and quality of any particular service to be rendered by the public utility to the municipality, county or its people, nothing in this Act shall be construed so as to authorize the commission to excuse or exonerate any such public utility from continuing to do such specific things or from continuing to render and perform the service of at least the nature, kind and quality specified in any such existing contracts, but, all these things involving the cost of service shall be taken into consideration by the commission in exercising its power to pass upon the reasonableness of any rate, fare, toll, or charge hereafter to be made by any such public utility.

§ 17. Fees Payable and Fund Created. Each and every public utility, except towns, cities or counties, as herein defined, doing business in this State and subject to the control of the public service commission shall pay to the Commonwealth of Kentucky on or before the first day of January, one thousand nine hundred and thirty ....., a fee for the inspection, control and supervision of the business, service and rates of such public utility. Such fees shall be fixed by the

State Tax Commission upon each of such public utilities, according to the value of its property as ascertained by the last preceding assessment, and shall be apportioned among such public utilities upon the basis of such valuation, so as to produce sufficient revenue to meet the estimates submitted by the budget commission in the year one thousand nine hundred thirty-one (1931) for the operation of this law and the maintenance of the public service commission hereby created. It shall be the duty of the State Tax Commission to collect such fees on or before January first, one thousand nine hundred thirty-two (1932). Thereafter for each biennial period it shall be the duty of the State Tax Commission upon the advice of the budget commission or officer to assess and collect such fees as may be necessary to meet the financial requirements of the public service commission and after such fees are collected the same shall be deposited with the State Treasurer to be kept in a separate account, known as the public utilities account, and from this account or fund the General Assembly shall upon recommendation of the budget commission or budget officer appropriate a sufficient sum or sums to operate and maintain the public service commission created hereby, and the salaries of the members of the commission, its officers, counsel and employees and their necessary expenses shall be payable out of the public utilities account in the same manner as the salaries of other officers are paid and charged to the appropriations which have been and shall hereafter be made from time to time by the General Assembly for the administration of this Act, and any amounts remaining unexpended in the treasury shall be applied pro rata in the reduction of the amount of fees to be collected from such public utilities for the ensuing biennial period. It shall be the duty of the secretary of the public service commission, sixty days prior to each regular session of the General Assembly, to present to the budget commission or budget officer of the State a full, complete and itemized statement of the expenses of the commission for the current biennial period, together with a similar statement showing in detail the financial requirements of the commission for the next succeeding biennial period.

In case of default in payment of any such fee, or part thereof, when due, as in this Act provided, any such public utility in default, shall be liable to a penalty of ten per cent per month, on the amount of fee, which may be recovered by suit of the State or the Commission, for every month, it remains in default and any such penalty when collected to be covered into the State Treasury to the credit of the public utilities account.

A lien is hereby declared to and shall exist upon all of the property of each public utility as herein defined, except towns, cities or counties, for the payment of the fee prescribed in this Act, together with all penalties, accruing thereunder which liens shall be superior to all other liens except for federal, State, county or municipal taxes.

§ 18. Orders of the Commission. All public utilities to which the orders of the commission applies shall make such changes in their schedule on file as may be necessary to make the same conform to said order, and no change thereafter shall be made by any public utility in any such rates, tolls, fares or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner and the same shall take effect within such time thereafter as the commission shall prescribe. The commission may at any time upon notice to the public utility, and after opportunity to be heard, rescind, alter or amend any order fixing any rate or rates, tolls, charges or schedules or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders. All rates, tolls, charges, schedules and joint rates or fares fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in action brought for that purpose pursuant to the provisions of this Act providing for court review.

§ 19. Court Review. (a) Any public utility and any person or corporation in interest being dissatisfied with any

order of the commission fixing any rate or rates, tolls, fares, charges, schedules, joint rate or rates or any order fixing any regulations, practices, acts or service may commence an action in the circuit court for Franklin County against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, tolls, fares, charges, schedule, joint rate or rates fixed in such order are unlawful, or that any such regulation, practice, act or service fixed in such order is unreasonable or unlawful, in which action a true copy of the petition shall be served upon the commission or its secretary, together with the summons.

(b) The answer to the commission to the petition shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party, on the equity side of the docket of the Franklin Circuit Court. It shall not be necessary in the answer to deny verbatim the allegations of the petition, but a general denial thereof on behalf of the commission may be sufficient.

(c) Any person not a party to the action but having an interest in the subject thereof, may apply to the Franklin Circuit Court to be made a party and the court in its discretion shall thereupon order him to be brought in by intervening petition and upon the trial of the case and upon the judgment entered the court shall have power to make an independent investigation upon the law and the facts and shall not in respect thereto be bound by any of the findings or orders of the public service commission in regard to any matter or thing set forth in the petition.

(d) Every proceeding, action or suit to set aside, vacate or amend any determination or order of the commission or to enjoin the enforcement thereof or to defend in any way such order or determination from becoming effective, shall be commenced and every appeal to the courts or right of recourse to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination,

and the right to commence any such action, proceeding or suit or to take or exercise any such appeal or right of recourse to the courts shall terminate absolutely at the end of such ninety days after the entry or rendition of such order or determination of the public service commission.

(e) No injunction shall issue in any proceeding, action or suit mentioned in this section suspending or setting aside any order of the commission, except upon application to the Circuit Court or the presiding judge thereof, notice to the commission and any party interpleading and hearing; and no injunction shall issue in any other proceeding, action or suit in any court which shall have the effect of delaying or preventing any order of the commission from becoming effective, unless the parties to the proceeding before the commission in which such order was made are also parties to such proceeding, action or suit in such court, or shall have been brought in and made parties as provided by the civil code of procedure, or in such manner as the court or presiding judge thereof shall by order direct.

(f) No injunction shall issue in any such proceeding, action or suit suspending or setting aside any order of the commission or having the effect of delaying or preventing any order of the commission from becoming effective, unless an undertaking shall be entered into on the part of the plaintiff, together with good and sufficient surety in such sum as the court or presiding judge thereof shall direct to the effect that the plaintiff will pay for damages which the opposite party may have sustained by the delay or prevention of the order of the commission becoming effective, and to such further effect as such judge or court shall in discretion direct, and no order or judgment in any such proceeding, action or suit shall be stayed on appeal therefrom unless a like undertaking be entered into by the appellant.

§ 20. New Evidence. If upon trial of such action evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing

before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall set further proceedings in said action for fifteen days from the date of such transmission.

Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind its order relating to such rate or rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or service complained of in said action and shall report its action thereon to said court within ten days from the receipt of such evidence.

If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon as though made by the commission in its first instance.

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

§ 21. Burden of Proof. In all trials, actions or proceedings, arising under the provisions of this Act or growing out of the exercise of the authority or powers granted hereunto the commission, the burden of proof shall be to the party adverse to the public service commission seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful.

§ 22. Appeal to the Court of Appeals. Either party to said action within sixty days after entry of the order or judgment of the Circuit Court may appeal to the Court of Appeals

of Kentucky, and such appeal upon the filing thereof in the office of the Clerk of the Court of Appeals shall be docketed and advanced in similar manner as Commonwealth cases.

§ 23. Construction of Act. All laws or parts of laws in conflict with the provision of this Act are hereby repealed. Each section of this Act is hereby declared to be separate and independent of every other section thereof, and if for any reason any section or provision of this Act shall be held to be unconstitutional or invalid, no other section or provision of this Act shall be affected thereby, as the remaining parts of the Act would have been passed by the General Assembly if such unconstitutional or invalid section or provision, if any, had been stricken out before the passage of this Act by the General Assembly. Nothing in this Act relating to court review shall be construed as indicating a legislative intent to deprive the United States Court from exercising jurisdiction over any party or upon any subject matter arising under this Act or the Constitution and laws of the United States of America. It is hereby declared to be the purpose and the intent of this Act within the limits imposed by the Constitution of the Commonwealth of Kentucky and the Constitution of the United States to supervise, regulate and control all public utilities.

By Senator Rogers.

S. B. 213. An Act to promote safety in places of employment, elevators, boilers and pressure vessels, creating a Kentucky Industrial Safety Board in the Department of Labor, providing for the appointment and qualifications of members thereof, and defining its powers and duties; providing that the chief officer of the Department of Labor shall be the secretary and administrative officer of said board, prescribing the duties of said secretary, and providing that he shall perform said duties without additional compensation; authorizing the employment of necessary employees; and making an apropriation for the administration of this Act; and providing penalties for the violation thereof; and providing the pay-

ment of certain fees for inspection of boilers, and for enforcing payment thereof by actions in the Franklin Circuit Court, and further providing for variations in and for review of the rules and orders of said board and for appeals therefrom.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Purpose. The purpose of this Act is to promote safe and healthful working conditions in places of employment, except buildings and works under control of any governmental agency, but the adoption and enforcement of rules for adequate inspection of places of employment, and by systematically encouraging the use of safety appliances and teaching safety practices.

§ 2. Title. This Act may be cited as the "Kentucky Industrial Safety Act."

§ 3. Definitions: When used in this Act.

(1) The term "place of employment" means and includes any place where men, women or children are employed and are employees in the general acceptance of the term, except where employed in buildings and on works under control of any governmental agency, and where domestic labor, coal mining labor or farm labor is employed.

(2) The term "employment" means and includes any trade, occupation or process of manufacture or any method of carrying on such trade, occupation or process of manufacture in which any person may be engaged, except employment in buildings or on works under any governmental agency, and where domestic labor, coal mining labor, or farm labor is employed.

(3) The term "employer" means and includes every person, firm or corporation, agent, manager, representative or other person having control or direction of any employment, place of employment or of any employee.

(4) The term "employee" means and includes every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment.

(5) The term "person" means and includes an owner, individual, partnership, corporation or association of persons.

(6) The term "frequenter" means and includes every person, other than an employee, who may go in or be in a place of employment under circumstances which render him or her other than a trespasser.

(7) The term "commissioner" means Commissioner of Agriculture, Labor and Statistics.

(8) The term "Board" means the Kentucky Industrial Safety Board, hereinafter provided.

(9) The term "Department of Labor" means the Department of Labor of the Bureau of Agriculture, Labor and Statistics.

(10) The term "safe" and "safety" as applied to any employment or place of employment mean such freedom from danger to the life, health, safety or welfare of employees or frequenters as the nature of the employment will reasonably permit.

§ 4. Safety and hygiene required in places of Employment:

All places of employment shall be so constructed, equipped, arranged and operated as to provide reasonably adequate pro-

tection to the lives, health and safety of all persons employed thereat or therein and frequenting the same. Every employer at his or its place of employment shall provide and maintain for the use of all persons employed, adequate sanitary and convenient washrooms or washing facilities and a sufficient number of suitable, sanitary and convenient waterclosets or privies; and, shall also provide an adequate supply of pure drinking water and the method of serving shall be safe and sanitary. The Kentucky Industrial Safety Board as hereinafter provided shall make rules to carry into effect the provisions of this section.

§ 5. Kentucky Industrial Safety Board:

(a) There is hereby created, a Kentucky Industrial Safety Board, consisting of five members, in the Department of Labor.

(b) Four members of such Board shall be appointed by the Commissioner of Agriculture, Labor and Statistics, subject to the approval of the Governor. Two members of the Board shall be male persons known to represent the interests of employers, and two members of the Board shall be male persons known to represent the interests of employees. The appointment of the two members representing employers and the two members representing employees shall be for a term of four years. The fifth member of the Board shall be the Chairman of the Workmen's Compensation Board and shall likewise be the Chairman of the Kentucky Industrial Safety Board. The commissioner may remove at will any member of the Board except the Chairman for neglect of duty or for just cause.

The two members of the Board who are to represent the employees shall be appointed from a list of ten names submitted to the Commissioner by the Chairman of the State Legislative Boards of the Brotherhood of Railroad Trainmen, Order of Railway Conductors, Brotherhood of Locomotive Firemen and Enginemen and the State Federation of Labor.

(c) The person in charge of the Department of Labor shall be the Board's Secretary and shall keep a complete record of all its proceedings which shall show the names of the members present at each meeting and every matter submitted to the Board and the action of the Board thereon, and he shall not receive any additional compensation for his services under this Act. The record shall be kept on file in the offices of the Department of Labor. All records and other documents of the Board shall be public records.

(d) Within sixty days after the passage of this Act the Board shall meet and organize, adopt rules and regulations governing its proceedings, and shall set forth the time and place of regular meetings. It is provided, however, that the Chairman or Secretary may call the Board together on any matter within the scope of this Act which he deems urgent for the Board's consideration and at times other than the regular meeting date set by the rules of the Board by giving reasonable written notice to each member.

(e) Each member of the Board shall receive ten dollars per diem and his necessary traveling expenses while engaged in the performance of the duties in coming to and going from his legal residence to the place of meeting. Provided, however, the total sum expended by the Board for its own compensation and expenses shall not exceed two thousand ($2,000) dollars for any one year.

§ 6. Oath of Office:

Members of the Kentucky Industrial Service Board shall, before entering upon the duties of their office, take and subscribe to the constitutional oath of office. Such oaths shall be filed in the office of the Secretary of State.

§ 7. Powers, Duties and Rules of the Kentucky Industrial Safety Board: (1) The Kentucky Industrial Safety Board shall have power to make, amend and repeal rules for carrying into effect the provisions of this act, applying such

rules to specific conditions and prescribing means, methods and practices to effectuate such rules.

(2) The Board shall also promote safety by such suitable means as posters, literature, lectures, demonstrations, exhibits, and shall encourage and assist in organizing safety teams, groups, clubs and organizations in places of employment.

(3) The Board shall adopt no rule in conflict with any rule, standard or regulation of the State Board of Health or of the State Department of Fire Prevention and Rates.

(4) Rules adopted by the Board shall constitute the "Kentucky Industrial Safety and Hygiene Standards." At least three affirmative votes shall be necessary for the adoption.

(5) Before any rule is adopted, amended or repealed there shall be a public hearing thereon, notice of which shall be published at least once, not less than ten days prior thereto in the newspaper of the largest circulation in the State.

(6) Rules of the Kentucky Industrial Safety Board may be made for:

(a) The proper sanitation of all places of employment and otherwise protecting the health of employees.

(b) The proper equipment, operation and conduct of all places of employment so as to provide adequate protection to the lives, health and safety of all persons employed thereat or therein and frequenting the same.

(7) For practical, uniform and standard use and practice the board in adopting rules shall adhere as closely as practicable to those safety codes promulgated by the American Engineering Standards Association.

(8) The board may appoint advisors or committees com-

posed of employers, employees and experts to suggest or assist in formulating safety and hygiene rules or changes therein.

(9) Every rule adopted, repealed, or amended shall be promptly published. The rules, amendments and repeals thereof shall, unless otherwise prescribed by the board, take effect thirty days after the first publication thereof and certified copies thereof shall be filed with the Secretary of State.

§ 8. Variations in This Act or Rules: Any person, employer or their respective agents affected by the provisions of this act and rules of the board may petition the board for a variation or exception from a rule of the board, stating the ground therefor. The board shall fix a day for a hearing on such petition and give notice thereof to the petitioner. If the board shall determine to permit such variation or exception, it shall authorize same in the form of a resolution adopted by at least three votes; the variation shall apply to all buildings, installations or conditions where facts are substantially the same as those shown by the petitioner. The resolution shall describe the conditions under which the variations or exceptions shall be permitted. A properly indexed record of all variations shall be kept by the secretary and open to public inspection.

§ 9. Elevators, Escalators, Hoists, Man-lifts: All elevators, dumbwaiters, escalators, gravity elevators, hoists, man-lifts or other conveyances used for the purpose of raising or lowering persons or material shall be constructed, maintained and operated in a safe manner. The Kentucky Industrial Safety Board shall prescribe by rule and inspection, a safe manner in which to maintain and operate such elevators, dumb-waiters, escalators, gravity elevators, hoists, man-lifts or other conveyances used for the purpose of raising or lowering persons or material.

§ 10. Boilers and Pressure Vessels: (a) Every boiler or pressure vessel used in this Commonwealth shall be con-

structed, installed and operated in a safe manner. The Kentucky Industrial Safety Board shall prescribe rules for the safe construction, maintenance, operation and inspection of boiler and pressure vessels, which rules shall be practical and uniform and shall adhere as closely as practicable from time to time to the American Society of Mechanical Engineers' boiler and pressure vessel codes, standards and rules.

(b) The board shall cause to be inspected at least once each year internally and externally while not under pressure all boilers used for generating steam or heat, and which carry a steam pressure of more than 15 pounds to the square inch, and all pressure vessels which the rules of the board shall require to be inspected; and there shall be made also, at about the same intervals, inspection of said boilers and pressure vessels while under pressure under ordinary operating conditions. Such inspections shall be made by a state inspector in the employ of the board or by a boiler inspector in the employ of an insurance company duly authorized to insure in this Commonwealth steam boilers against explosion. When a boiler on such inspection has been found not unsafe to operate, the board shall issue to the owner or user of said boiler or pressure vessel, upon payment by him of a fee of $1.00 to the board, a certificate that the boiler has been inspected, stating the date of the last internal and external inspection and the maximum pressure at which the boiler or vessel may be operated. Such certificate shall be effective for one year from its date unless sooner revoked.

(c) Every such insurance company shall send to the board a copy of its annual internal and external inspection of each boiler or pressure vessel that comes within the provisions of this section, including those defective boilers on which insurance is canceled, the report in that case to state the reasons for such cancellation.

(d) A fee of five dollars shall be paid to the board by the owner or user of each boiler inspected by the board's inspector internally and externally while not under pressure,

and two dollars for each boiler externally inspected by the board's inspector; but not more than eight dollars shall be charged for the inspection of any one boiler and its certificate for any one year. Such fees shall be payable at the time of the inspection and payment thereof shall be secured by a lien on each such boiler inspected and suit may be maintained for the collection and enforcement thereof in the Franklin Circuit Court, in an action by the Attorney General.

(e) If a report of inspection filed with the board shows a boiler to be in need of repairs or in an unsafe or dangerous condition, the board shall order such repairs of the boiler to be made as may be necessary and shall order the use of the boiler discontinued until such repairs are made or such dangerous and unsafe conditions are remedied. Such order shall be served upon the owner or user of the boiler, personally or by mail, and any owner or user failing to comply with such order within a time to be specified therein, which shall not be less than ten days from the service of the order if served personally, and not less than fifteen days from the mailing thereof, if served by mail, shall be liable to a penalty of fifty dollars for each day's neglect thereafter.

(f) Every owner or user of any such boiler who shall use or allow it to be used by any one in his employ while a certificate is not in effect, or after receiving notice that such boiler is in an unsafe or dangerous condition, shall be subject to a penalty not to exceed five dollars for each day on which it is so used.

(g) Owners and users of boilers shall attach to such boilers the numbers assigned by the board under penalty of five dollars for each day's failure so to do after such numbers have been assigned.

(h) The provisions of this section shall not apply to steam railroad companies where boilers are regularly inspected by competent inspectors acting under the authority and in conformity with the rules of the board and such boilers

subject to inspection by the United States government are exempt.

(i) It is hereby made the duty of all owners and users of boilers, unless otherwise exempted by this section, to report to the board, within ninety days after the passage of this act, the number, size, type and location of boiler, with the name of manufacturer of boiler and for what purposes boiler is used, and failure by the owner or user so to do shall be liable to a penalty of twenty-five dollars.

(j) All fees collected by the board for boiler inspection and one-half all fines assessed for penalties for violation of this section shall be transmitted to the State Auditor and all such moneys shall be accounted for in a special fund to be known as the "Boiler Fund;" the remaining one-half of the fine assessed shall revert to the general fund of the Commonwealth. All moneys which shall be paid into the said "Boiler Fund" are hereby specifically appropriated to the Kentucky Industrial Safety Board for the payment of operating cost necessary for the conduct of the work by the board and its employees in securing compliance with the provisions of this section.

§ 11. Review of Rule or Order by Kentucky Industrial Safety Board: Any person in interest or his duly authorized agent may petition the Kentucky Industrial Safety Board for a review of the validity or reasonableness of any rule or order made under the provisions of this Act. The petition shall be verified, shall be filed with the Board and shall state the rule or order proposed to be reviewed and in what respects it is claimed to be invalid or unreasonable. Any objections to the rule or order not raised in the petition shall be deemed waived. The Board may join in one proceeding all petitions alleging invalidity or unreasonableness of substantially similar rules or orders. The filing of such petition shall operate to stay all proceedings under such rule or order until the determination of such review. The Board shall order a hearing if necessary to determine the issue raised, or if the issues have been considered in a prior proceeding the Board may,

without hearing, confirm its previous determination. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the Board may determine. If the Board finds that the rule or order is invalid or unreasonable it shall revoke or amend the same. The decision of the Board shall be final unless within thirty days after it is filed one of the parties commences an action as provided in section twelve.

§ 12. Review of Rule or Order of Kentucky Industrial Safety Board by Court: (a) Any person in interest or his duly authorized agent may bring an action in the Circuit Court of the county in which such person resides against the Kentucky Industrial Safety Board to determine the validity and reasonableness of any provision of this Act or of the rules made in pursuance thereof or of any order directing compliance therewith; provided, that no such action to determine the validity and reasonableness of any rule or order shall be brought except as an appeal from the determination of the Board as provided in section eleven.

(b) If the action is an appeal from a determination of the Board, the Board shall be required to file with the clerk of the court a certified copy of the record of its hearing in the matter. The court, after due consideration, may refer any issue in such action back to the Board for further consideration or may enter a final order declaring any rule or order of the Board unreasonable, invalid, and unenforceable. Either party may appeal to the Court of Appeals from the order of the Circuit Court, and the Court of Appeals shall have the same power as the Circuit Court. All appeals shall be in the manner provided by the Civil Code of practice and procedure.

(c) Every rule made pursuant to the provision of this Act or order directing compliance therewith shall be valid unless declared invalid in a proceeding brought under the provisions of section eleven.

(d) Except as provided in this section, no court shall

have jurisdiction to review or annul, restrain or interfere with the enforcement of any rule or order of the Board made in or to secure compliance with the provisions of this Act. Provided, however, the Board shall act within the powers, jurisdiction and authority invested by the provisions of this Act.

(e) Every rule or order shall in prosecution or action to impose a penalty for its violation be deemed valid unless prior thereto such rule or order has been revoked or modified by the Board or annulled by the court pursuant to section eleven and this section, or unless such proceeding is pending in which case the prosecution or action shall be stayed by the court pending final determination thereof.

(f) If prosecution or action is commenced against a defendant who has not previously been served with an order by the Board, to comply with a provision of this Act or rule of the Board, or who has been served with such an order but has not had a reasonable opportunity to comply therewith, or if within five days the defendant commences proceedings under the provisions of sections eight, eleven or twelve, the prosecution of action shall be stayed as if such proceedings were pending at time it was commenced.

§ 13. Duty to Furnish Information; Facilitate Inspections and There Shall Be No Interference With Members of the Kentucky Industrial Safety Board, Its Officers, Agents or Employees: Any person, employer, owner, operator, manager or lessee of any place of employment affected by the provisions of this act or his agent, superintendent, subordinate or employee, and any person employing or directing any labor affected by the provisions of this Act shall, when requested by the Kentucky Industrial Safety Board furnish any information in his possession or under his control which the Board is authorized to require; shall answer truthfully all questions authorized to be put to him; shall admit the Board, its officers, agents or employees during reasonable hours to any place which is affected by the provisions of this Act for

the purpose of making inspection or enforcing the provisions thereof, the rules and orders of the Board and shall render reasonable assistance necessary for the proper inspection and compliance therewith. No person shall interfere with, obstruct or otherwise hinder any member of the Board, its officers, agents or employees in the performance of their duties.

§ 14. Process to be in Name of Kentucky Industrial Safety Board: All rules, orders or notices shall be issued by and in the name of the Kentucky Industrial Safety Board by the secretary thereof, or by any other officer, agent of employee thereunto duly authorized by the Board.

§ 15. Powers and Duties of the Secretary of the Kentucky Industrial Safety Board:

(a) The secretary of the Kentucky Industrial Safety Board shall be the administrative and supervising officer of the Board and shall enforce the provisions of this Act and the rules and orders of the Board.

(b) The secretary shall cause proper inspections to be made of places of employment, investigations to be made of industrial accidents and conditions affecting the life, health and safety of men, women and children employed in places of employment and report to the Board thereon.

(c) He shall propose to the Board such rules or such changes in rules as he may deem advisable.

(d) He should make a biennial report to the General Assembly of the work performed by the Board and its employees and of all matters handled by the Board, and of all fees collected and expenditures made.

(e) The Commissioner of Agriculture, Labor and Statistics, shall employ and fix the salaries or wages of such qualified and competent employees as are required to perform the duties imposed by the provisions of this Act; provided, however, no salary or wage of any person employed under

the provisions of this section, shall exceed $3,000.00 per annum. All salaries and wages shall be paid monthly.

§ 16. Penalties for the Violation of This Act:

Any person or employer who suffers, permits or violates any of the provisions of this Act, for which a specific penalty is not herein imposed, or rule or order of the Board shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than two hundred dollars and not less than ten dollars for each offense; each day's offense or failure to comply with the provisions of this Act, rule or order of the Board, shall be considered as a separate offense.

§ 17. Appropriation:

There is hereby appropriated for the use and benefit of Kentucky Industrial Safety Board all of the fees and penalties collected under the provisions of this Act, except fees allowed by law to State officers and courts for commissions in the enforcement of the penal provisions of this Act. There is hereby further appropriated for each of the fiscal years beginning July 1, 1932 and 1933 for the use and benefit of the Board out of the funds collected from the tax on premiums paid to insurance carriers writing compensation insurance in Kentucky not required for the maintenance of the Workmen's Compensation Board, the sum of Twenty-five Thousand Dollars ($25,000.00). All of said appropriation, except as expressly limited in this Act, may be used to pay the salaries, wages and expenses of employees of said Board, the per diem and expenses of said Board, and all other expenses incident to the maintenance and operation of said Board and the operation and enforcement of this Act.

§ 18. Act to be Construed Liberally:

This Act shall be construed liberally and if any section or part of any section be declared unconstitutional in whole or in part it shall not affect the other sections of this Act, it

being the intention of the General Assembly in enacting this bill to enact each section separately.

By Senator Rogers.

S. B. 214. An Act to repeal Sections 1148a-1, 1148a-2, 1148a-3, 1148a-4, 1148a-5, 1148a-7 1148a-8, 1148a-9, 1148a-11, 1148a-13, 1148a-14, Carroll's Kentucky Statutes 1930 edition. relating to criminal syndicalism on Criminal Law.

To Committee on Criminal Law.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 1148a-1, 1148a-2, 1148a-3, 1148a-4, 1148a-5, 1148a-7, 1148a-8, 1148a-9, 1148a-11, 1148a-13, 1148a-14, Carroll's Kentucky Statutes, 1930 Edition, which sections are included in Chapter 100, Acts of the General Assembly of Kentucky, 1920, and Chapter 20, Acts of the General Assembly, 1922, be and same are hereby repealed.

By Senator Rose.

S. B. 215. An Act repealing, amending and re-enacting sec. 4426b-1 Kentucky Statutes relating to subdistrict trustees the election of same, vacancies how filled, changing the time and hours of such election and providing that said election shall be by secret ballot.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4426b-1 Kentucky Statutes be repealed,

amended and re-enacted so that when said section is repealed, amended and re-enacted is shall read as follows:

That on and after the passage of this Act subdistrict trustees in county rural school districts shall be elected by the qualified voters of such district every two years.

The election shall be conducted by two persons possessing all the qualification of electors who reside in the district, to be appointed by the county board of education. The election shall be held at the school house in each subdistrict on the first Saturday in September between the hours of 1 o'clock P. M., and 4 o'clock P. M. And shall be by secret ballot and such vote shall be delivered to the County Board of Education within five days of the election. The person receiving the highest number of votes cast shall be elected subdistrict trustee for a turn of two years and until his successor is elected and qualified. The votes for each and all candidates after being counted at the close of the polls shall be certified by the election officers and the ballots and poll book shall be returned to the County Board of Education. Any candidate for trustee shall have the right to designate a legal voter of the subdistrict to be an Inspector to watch and assist in counting the ballots. Such ballots shall be on a separate sheet from all other ballots and no party emblem or other emblem or distinguishing mark shall be placed upon such ballot. The ballot shall be marked at the top school ballot. The names of all candidates shall appear upon the ballot and a line shall appear upon the ballot and a line shall be left blank on such school ballot. Candidates for trustees in any subdistrict shall petition the County Clerk by not less than ten legal voters of such district. The names of all candidates for trustees shall be printed in a single column in the order the petitions are filed. Said petition must be filed in the office of the county clerk not more than sixty and not less than fifteen days prior to the day of such election. The duty of the county clerk and a sheriff under the general election law of the State of Kentucky in the matter of printing and distributing ballots shall apply in all such election. The sheriff shall prepare a separate box for the reception of ballots used in such elections.

Such elections shall be held at the various schoolhouses located in the subdistricts of the various counties and no person except the officers and one qualified voter shall enter the house or voting place while said election is being held or the votes being counted. No one within the voting place shall tell or indicate by word of mouth or otherwise, to a voter what may be the political affiliation of any candidate and no word shall be spoken within the voting place for or against any candidate and any violation of these provisions shall be a misdemeanor punishable by a fine not exceeding one hundred dollars. The entire expense of such an election shall be paid from the school fund of the county by the County Board of Education. The County Board of Education shall canvass the returns at their first regular meeting after such an election and award a certificate of election to the candidate receiving the highest number of votes cast. Any vacancy that may exist in the trusteeship of any school subdistrict shall upon the recommendation of the county superintendent be filled by appointment by the County Board of Education and the trustee thus appointed shall hold office until the next regular election for subdistrict trustees; any trustee elected and now holding said office shall be privileged to hold said office until his successor is elected and qualified under this statute.

By Senator Franklin.

S. B. 216. An Act to repeal Chapter 15, Acts of 1930, appropriating for the State Banking Commission for the purpose of paying salaries, printing, stamps, supplies, and other expenses of the operation and maintenance of said department, all fees realized from examinations of the sundry banks and building and loan associations as provided by law for the fiscal year ending June 30, 1930, and enacting in lieu thereof an act providing that the Banking Department shall have for the purpose of paying all salaries, printing, stamps, supplies and other expenses of the operation and maintenance of said department, all the fees realized from examinations of the sundry banks and building and loan associations, as provided by law.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 15, Acts of 1930, approved February 6, 1930, be and the same is hereby repealed.

§ 2. There is hereby set aside and appropriated for the use of the Department of Banking for the purpose of paying the salaries, printing, stamps, supplies, and other expenses of operation and maintenance of said Banking Department, all the fees heretofore or hereafter realized from examination of sundry banks and building and loan associations as now provided by law.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

§ 4. Due to the closing and suspension of a large number of banks in the Commonwealth thereby increasing the labors of the Banking Department and requiring more assistance, an emergency is declared to exist and the Act shall take effect upon its passage by the General Assembly of the Commonwealth of Kentucky and approval by the Governor.

By Senator Williams.

S. B. 217. An Act to regulate hairdressing and cosmetology; to create the Kentucky State Board of Hairdressing and Cosmetology Examiners; to provide for the licensing and registration of hairdressers and cosmetologists; to empower said Board to enforce the laws, rules and regulations relative to hairdressers and cosmetologists.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following words and phrases when used in this Act shall be construed as follows:

1. "The practice of hairdressing and cosmetology" shall mean the engaging by any person for hire or reward in any one or more of the following practices: The application of the hands or of mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays, to massage, cleanse, stimulate, manipulate, exercise or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands, bust or upper part of the body of any female person; or to remove superfluous hair from the body of any female person; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color or similarly treat the hair of any female person.

2. "Board" shall mean the board of examiners appointed under the provisions of Section Six of this Act.

3. "Apprentice" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of hairdressing and cosmetology under the direction and supervision of a person duly authorized under this act to practice hairdressing and cosmetology.

§ 2. It shall be unlawful for any person to practice hairdressing and cosmetology in this State unless they shall first have obtained a certificate of registration as provided in this Act, or unless they shall be acting within the scope of their employment as an apprentice.

§ 3. Any person shall be eligible to obtain a certificate of registration under this Act (a) who is at least 16 years of

age, (b) who is of good moral character, (c) who shall furnish the certificate under oath of a physician duly licensed to practice in this State that such person is free from contagious or infectious disease; (d) who has satisfactorily completed a course of instruction in a school of hairdressing and cosmetology approved by said board, or in lieu thereof has had a total experience of an apprentice of two thousand hours distributed over a period of at least one year, and (e) who has satisfactorily passed an examination conducted by said board to determine their fitness to receive such certificate. Each applicant for such examination shall make written application therefor, on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under this Act and shall be sworn to by the applicant. Said application shall be filed with the secretary of said board and shall be accompanied by an examination fee of ten dollars.

§ 4. No school of hairdressing and cosmetology shall be approved by said board unless it has a minimum requirement of a continuous course of study of one thousand hours, distributed over a term of not less than six months. Such course shall include practical demonstrations, written or oral tests and theoretical and practical instructions in sanitation, sterilization, and the use of antiseptics, cosmetics and electrical appliances, which course of study and instructions shall be subject to the approval of said board. No school of hairdressing and cosmetology shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be one hundred dollars ($100.00). Any certificate of approval issued by said board to any school shall be good for one year from the date when issued, unless sooner revoked. Said certificate may, so long as the school continues to meet the approval of said board, be renewed from year to year upon the payment of a fee of one hundred dollars ($100.00) for each renewal. The board may revoke any such certificate at any time for cause; provided, however, that if any such certificate is revoked notice shall be given to such school of said proposed action in order that said school may have an

opportunity to be heard. No person shall be engaged to instruct in any of the branches of hairdressing and cosmetology as defined in Section One of this Act unless said instructor has a certificate to practice hairdressing and cosmetology under the provisions of this Act.

§ 5. Any person who has actively and continuously practiced hairdressing and cosmetology at an established place of business in this State for a period of six months prior to the adoption of this Act shall be entitled to a certificate of registration without examination upon payment of a fee of five dollars; provided, however, that such person shall within thirty days after said board shall have been appointed file with the secretary of said board an affidavit setting forth their name, residence, length of time during which and the place or places where he or she has practiced hairdressing and cosmetology. Any person licensed to practice hairdressing and cosmetology in another State under requirements substantially equal to those specified in this Act shall upon the payment of a fee of ten dollars be entitled to a certificate of registration without examination, provided such person resides or intends in good faith to reside in this State.

§ 6. There shall be a State board for the practice of hairdressing and cosmetology, consisting of three members who shall be citizens of this State and of the United States, and who shall have been engaged in the practice of hairdressing and cosmetology in this State at least five years prior to their appointment. No two members of said board shall be graduates of the same school and no owner or manager of a school may become a member of said board.

§ 7. There is hereby created a Board of Hairdressing and Cosmetology Examiners to be known as The Kentucky State Board of Hairdressing and Cosmetology Examiners. That said board shall consist of three members and shall be appointed by the Governor from persons qualified under Section Six of this Act. One member of the first board shall serve for one (1) year from the date of his or her appointment and qualification and the other two (2) members appointed

shall serve for two (2) years from the date of their appointments and qualification. At the expiration of the term of office of the one member appointed for one year his successor shall be appointed for a term of three (3) years thereafter. At the expiration of the term of office of the two members appointed for two (2) years their successors shall be appointed for a term of four (4) years thereafter. The Governor shall make such appointments within thirty days after this Act becomes a law.

§ 8. Said board shall organize as soon as may be after its appointment and qualification by electing one of its members as chairman, one as secretary and one as treasurer, and such organization shall continue until the appointment of any new member of said board. The secretary of said board shall keep a record of all proceedings, issue all notices, registration certificates, cards, attest all such papers and orders as said board shall direct and perform such other duties as shall be designated by said board.

§ 9. Said board shall make rules and regulations not contrary to law concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section one of this Act, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where hairdressing and cosmetology is practiced, and by persons engaged in such practice, and shall cause such rules and regulations to be printed in suitable form, and a copy thereof be sent to the proprietor of every shop or other establishment in this State where hairdressing or cosmetology is practiced. It shall be the duty of every such proprietor to keep posted in a conspicuous place in said shop, so as to be easily read by customers, a copy of such rules and regulations. The failure of any person holding a license as hereinafter provided, to observe the requirements of such rules and regulations shall be sufficient cause for the revocation of such license; but no such license shall be revoked without a reasonable opportunity being offered to such person to be heard in their defense. Any member of said board shall have power to enter and make

reasonable examination of any such shop or establishment during business hours for the purpose of ascertaining the sanitary conditions thereof. Nothing in this Act shall be construed as preventing any person, firm or corporation from conducting such shop or establishment, provided the employees thereof actually engaged in the practice of hairdressing and cosmetology are duly registered as provided under this Act and that such shop or establishment is duly licensed as hereinafter provided. Any such shop or establishment in which tools, appliances, and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is hereby declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment thereof. No person, firm or corporation shall operate or cause to be operated a shop or establishment where hairdressing or cosmetology is practiced unless such shop or establishment shall be duly licensed as provided in this section. Said board may make rules and regulations not contrary to law relative to making application for such license; provided, however, that no such shop or establishment shall be licensed by said board unless the proprietor or manager thereof for the time being, has, for a period of at least two years, held a certificate of registration from said board as provided in this Act or is entitled to a certificate of registration under the terms of Section Five hereof. The fee for such license shall be twenty-five dollars ($25.00) and said license shall be renewed on the first day of July in each year and the holder of such license shall pay to the secretary of said board the sum of twenty-five dollars ($25.00) for each renewal thereof. The failure of any person to observe the requirements of any rules and regulations made by said board shall be sufficient cause for the revocation of said license; but no such license shall be revoked without a reasonable opportunity being offered to such person to show cause why such license should not be revoked.

§ 10. Beginning July 1, 1932, and thereafter the fees received by said board under the provisions of this Act shall be paid monthly to the general treasurer. Members of said board shall be allowed the sum of ten dollars per day for

actual attendance upon any examination or inspection and their necessary traveling expenses in the discharge of their duties, and the General Assembly shall annually appropriate such sums as it may deem necessary for the payment of such allowance and traveling expense and for office expenses of the board; provided, that no payment for allowance or expenses shall be made by the general treasurer in any fiscal year in excess of the sum paid by the board to the general treasurer during such fiscal year. The State House Commission shall provide an office in the State House for the use of the board and furnish the same whenever rooms are available for such purpose.

§ 11. Said board shall present annually to the Governor in the month of July a detailed statement of the receipts and disbursements of the board during the preceding fiscal year, together with a statement of its acts and proceedings, and such recommendations as it may deem proper. Any moneys in the hands of the treasurer of said board at the time of making such report in excess of five hundred dollars ($500.00) shall be paid over to the general treasurer.

§ 12. Said board shall hold each year at least two public examinations in the City of Louisville, Kentucky, at such times as it shall designate; notice whereof shall be given by a publication at least ten days before the holding of any such meeting in at least one newspaper of general circulation in this State.

§ 13. Every apprentice, in order to avail himself of the provisions of this Act, shall within ten days after entering upon his or her apprenticeship, file with the secretary of the board a statement in writing setting forth that said apprentice is free from contagious or infectious disease, the name and place of business of their employer, the date of commencement of such apprenticeship, and the full name and age of said apprentice, which age shall be not less than sixteen years. Any such apprentice who shall change their place of employment shall promptly notify the board and furnish it with the

name and place of business of the new employer and the date of such change. No fee shall be charged such apprentice for any supervision provided for in this Act.

§ 14. Said board shall furnish to each person to whom a certificate of registration is issued, a card bearing the seal of the board and the signature of all of its members, certifying that the holder thereof is entitled to practice hairdressing and cosmetology in this State, and it shall be the duty of the holder of such card to post the same in a conspicuous place where it may be readily seen by all persons whom he or she may serve. Said card shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of three dollars for said renewal card. Upon the failure of any holder of a certificate of registration to apply for such renewal on or before the first day of July in each year, said certificate may be revoked by said board, subject to the provisions of section sixteen of this Act.

§ 15. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this Act, and said register shall be at all times open to public inspection.

§ 16. Said Board shall have the power to revoke any certificate of registration granted by it under this Act, for (a) gross incompetency; (b) the keeping of a shop or other establishment, or tools, appliances or furnishings thereof in an unclean or unsanitary condition; (c) failure to comply with the requirements of Section Fourteen of this Act; provided, that before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him or her, and shall have a reasonable opportunity to be heard in his or her defense. Any person whose certificate has been so revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualification has ceased. Said board shall have power by its chairman to summon any person as a wit-

ness and testify at any hearing appointed by it regarding any such charge preferred by said board, and to examine such witness. Any person aggrieved by any order or decision of said board may, within thirty days, exclusive of Sundays and legal holidays, after receiving notice of said decision, appeal therefrom to the Superior Court for the county in which such person resides or does business.

§ 17. Any person engaged in the practice of hairdressing or cosmetology in this State without having obtained a certificate of registration as provided by this Act, or knowingly employing a person to practice hairdressing or cosmetology who has not such a certificate, unless he or she be an apprentice within the meaning of this Act, or falsely pretending to be qualified to practice hairdressing and cosmetology under this Act, or violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars nor less than twenty dollars, or by imprisonment not exceeding three months, and every person shall be deemed guilty of a separate and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has begun against any such person for the violation of any of the provisions of this Act.

§ 18. Complaints for the violation of the provisions of this Act may be made by a member of said board or any person authorized by said board, who shall be exempt from giving surety for costs of any such complaint.

§ 19. The prohibitions and penalties of this Act shall not apply to licensed physicians, licensed osteopaths, registered nurses when acting within the scope of their profession or occupation as defined by law.

By Senator Johnson.

S. B. 218. An Act to amend an act entitled "An Act to amend Article 4, Section 186-1 of Chapter 11-a of the Ken-

tucky Statutes, Carrolls Edition 1909, entitled 'An Act relating to the bond of Public Officials and other bonds required by law;' '' being the act approved March 23, 1910, Chapter 87, page 263.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act entitled "An Act to amend Article 4, Section 186-d of Chapter 11-a of the Kentucky Statutes, Carroll's Edition 1909, entitled 'An Act relating to the bond of Public Officials and other bonds required by law,' '' being the act approved March 23, 1910, Chapter 87, page 263, be and is hereby amended by adding thereto the following:

Provided further that the obligors on the bond given by any State, County, City, or other public official, or by any Executor, Administrator, Guardian, Committee, Assigns or other fiduciary, shall not, in the absence of fraud or negligence on the part of the principal, be liable for loss due to failure or suspension of any depository bank; the obligation imposed upon the official or fiduciary and the surety under any such bond being that the official or fiduciary shall honestly, faithfully, and to the best of his ability perform the duties of the office or trust.

So that as amended said Act shall read as follows:

Section 1. That the bond required by law to be executed and given by any State, County, City or other public official, and the bond required by law of any depository of State, County, City or other public funds, and the bond of any Executor, Administrator, Guardian, Committee, Assignee or other fiduciary, and any other bond required by law for the discharge or performance of any public or fiducial office, trust, or employment, shall be a covenant to the Commonwealth of

Kentucky, from the principal and surety, or sureties, that the principal will faithfully discharge the duties of the office, trust or employment, and such bonds shall be limited in a definite penal sum, which shall be determined and fixed by the officer or officers whose duty it is to approve the bond, and the recovery against the surety under any such bond shall be limited to the amount of the penalty named therein; Provided, that the bond of any Executor, Administrator, Guardian, Committee, Assignee, or other fiduciary, shall be fixed in a penal sum of not less than the estimated value of the estate, and, Provided, further, that the officer or officers taking any bond mentioned in this act, may at any time when it may appear to be to the interest of the obligee or obligees, increase the penal sum of such bond or require a renewal thereof with other or additional sureties; Provided further that the obligors on the bond given by any State, County, City or other public official, or by any Executor, Administrator, Guardian, Committee, Assignee or other fiduciary, shall not, in the absence of fraud or negligence on the part of the principal, be liable for loss due to failure or suspension of any depository bank; the obligation imposed upon the official or fiduciary and the surety under any such bond being that the official or fiduciary shall honestly, faithfully, and to the best of his ability perform the duties of the office or trust.

Section 2. All acts or parts of acts in conflict with this act are hereby repealed.

By Senator Rogers.

S. B. 219. An Act to authorize cities of the Second Class to levy a tax for the purpose of providing a fund for the organization, employment and maintenance of a band, orchestra or drum and bugle corps.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All cities of the Second Class organized under the laws of this State, are hereby authorized to levy each year a tax not to exceed (2) two mills, for the purpose of providing a fund for the organization, employment and maintenance of a band, orchestra, or drum and bugle corps.

By Senator Mehler.

S. B. 220. An Act granting members of Fraternal Benefit Societies the right to designate certain beneficiaries to receive the payment of death benefits; exempting certain Socities from the provisions of the Act; and amending Sections 681c-6 and 681c-29 of Carroll's Kentucky Statutes; and repealing said sections and all laws and parts of laws in conflict therewith.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 681c-6 of Carroll's Kentucky Statutes be amended so as to read as follows:

Section 681c-6, Beneficiaries.—The payment of death benefits shall be confined to husband, wife, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children, children by legal adoption, orphans homes or homes for the aged maintained by any Society or Association, or to a person or persons dependent upon the member; provided, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege, with the consent of the society, to make such institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary, and from time to time have the same changed in accordance with the laws, rules or regulations of the society,

and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member, provided, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

§ 2. That Section 681c-29 of Carroll's Kentucky Statutes be amended so as to read as follows:

Section 681c-29, Exemption of Certain Societies.—Nothing contained in this Act shall be so construed as to effect or apply to grand or subordinate lodges of Masons, Odd Fellows, Knights of Pythias (exclusive of the insurance department of the Supreme Lodge Knights of Pythias) and the Junior Order United American Mechanics (exclusive of the Beneficiary Degree or insurance branch of the National Council Junior Order United American Mechanics), or to similar orders, societies or associations now doing business in this State which provide benefits exclusively through local or subordinate lodges, or to orders, societies or associations which limit their admission to membership to any one hazardous occupation, nor to an association of local lodges of a society now doing business in this State which provides death benefits not exceeding three hundred dollars, nor to any contracts of reinsurance business on such plan in this State, nor to domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description which do not provide for a death benefit of more than one hundred dollars, or for disability benefit of more than one hundred and fifty dollars to any one person in any one year. The insurance commissioner may whenever he deems proper make an examination of any such society or organization (domestic or foreign), operating in this State to enable him to determine whether such society is exempt from the provisions of this Act, and if found to not be so exempt the expense of such examination shall be paid by the society or organization examined upon statement furnished by him.

Any fraternal benefit society heretofore organized and incorporated and operated within the definition set forth in 681c-1, 681c-2, and 681c-3 of this Act, providing for benefits in case of death or disability resulting solely from accident, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this Act and shall have all the privileges and shall be subject to all the provisions of this Act except that the provisions of this Act requiring medical examinations, valuations of benefit certificates and that the certificates shall specify the amount of benefit shall not apply to such society.

§ 3. That said Sections 681c-6 and 681c-29 of Carroll's Kentucky Statutes be and they are hereby repealed.

§ 4. That all acts or parts of acts inconsistent with or in conflict with this act are hereby repealed.

§ 5. That this Act shall be in force from and after ninety days after the adjournment of this Session of the Legislature.

By Senator Turner.

S. B. 221. An Act to appropriate $12,500.00 for repairs of the Executive Mansion.

To Committee on Appropriations.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is hereby appropriated out of the general expenditure fund of the Commonwealth twelve thousand five hundred dollars ($12,500.00) to be used for the purpose of making repairs upon the executive mansion.

§ 2. The condition of the executive mansion being such that immediate repairs are necessary, an emergency is de-

clared to exist and this Act shall be effective upon its passage and approval by the Governor.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Hamilton.

S. B. 222. An Act to amend and re-enact "An Act relating to registration for elections in cities and towns having a population of five thousand inhabitants or more," approved March 21, 1924, and being Chapter 64 of the Acts of the General Assembly.

To Committee on Suffrage and Elections.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 12, Chapter 64 of the Acts of 1924, session of the General Assembly, be and the same is amended and re-enacted, and as amended and re-enacted shall read as follows:

In each case where a special election is to be held in any county, city, town, or subdivision thereof, either for the purpose of filling an elective office or the determination of any measure or question submitted to the voters, the special officers of registration, provided for in section 10 hereof, shall fourteen days before such election sit for one or two days in the discretion of the Judge of the County Court, at the courthouse in a room provided by the county court clerk for that purpose, between the hours of 6 a. m., and 7 p. m., for the purpose of permitting all persons who have not previously been registered, as herein provided, and who are entitled to register, to do so. No person shall be entitled to register at such special registration except under the requirements stated in section 10 hereof and the same procedure shall be observed as provided in section 10 hereof. Provided, that in addition

to the class of persons entitled to register, as specified in section 10 hereof, any person not previously registered and who is qualified to register, who became of age after the last preceding November election, shall be entitled to register.

By Senator Hamilton.

S. B. 223. An Act to amend Section 192 of the present constitution of the Commonwealth of Kentucky.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That upon the concurrence of three-fifths of all the members elected to each House of the General Assembly, the yeas and nays being taken thereon and entered in full in their respective journals:

First: That Section 192 of the Constitution of the Commonwealth of Kentucky be and it is hereby amended and revised by adding at the end of said Section 192 as originally adopted the following words:

But provided that when it shall be necessary for any corporation, in order to protect itself against loss, to take title to any real estate in satisfaction of any debt previously contracted by it in the course of its business or as an investment of its funds, either by conveyance from the maker of such debt or in satisfaction of, or at sale under, any judgment thereon in its favor, such corporation may hold title to the real estate so acquired by it, until such time as it may dispose of such real estate without loss to it, but in no event to exceed ten years.

So that said Section of the Constitution as amended shall read as follows: No corporation shall engage in business

other than that expressly authorized by its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat; but provided that when it shall be necessary for any corporation, in order to protect itself against loss, to take title to any real estate in satisfaction of any debt previously contracted by it in the course of its business or as an investment of its funds, either by conveyance from the maker of such debt or in satisfaction of, or at sale under, any judgment thereon in its favor, such corporation may hold title to the real estate so acquired by it, until such time as it may dispose of such real estate, without loss to it, but in no event to exceed ten years.

Second: This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution of Kentucky and under Section 1459 of the edition of the Kentucky Statutes known as and styled Carroll's Kentucky Statutes, Official Edition, Revised to 1930.

Senator Gaines proposed the following resolution.

S. Res. 13. Resolution authorizing Earnest Miles and Mayme Miles respectively to file suits against the Commonwealth of Kentucky.

Whereas, on November 10, 1930, at or about the hour of 9:15 A. M., about one-fourth of a mile East of Ghent, in Carroll County, Kentucky, on the public road between Ghent and Warsaw in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State of Kentucky, in repairing the State highway known as State Highway No. 42, and an automobile owned and operated by Earnest Miles, Earnest Miles and Mayme Miles were severely and critically injured and the automobile of said Earnest Miles was destroyed;

Now in order to determine by judicial action the question of negligence causing said injuries aforesaid:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Earnest Miles in his own right and name, and Mayme Miles in her own right and name, be and they are hereby empowered and authorized to file and prosecute appropriate actions severally and respectively against the Commonwealth of Kentucky, for the purpose of determining the liability of the Commonwealth of Kentucky for such injuries, if any there be.

2. Such actions may be brought in any Circuit Court of the Commonwealth of Kentucky, which may have jurisdiction of the subject matter, or may be joined with any action or actions pending, wherein Circuit Courts have competent jurisdiction of the subject matter and parties.

It was ordered that said resolution be referred to Committee on Kentucky Statutes No. 1.

Senator Arch L. Hamilton proposed the following resolution:

A resolution to appropriate $10,000.00 to erect a monument in memory of the Kentuckians who took part in the battles of the first and second Manassas (known as Bull Run).

Said resolution reads as follows:

Be it resolved by the Senate, the House of Representatives concurring therein:

That the State of Kentucky appropriate a sum not to exceed the amount of $10,000.00 to erect a monument in honor of the Kentuckians who took part in these two battles between the North and South, on said battlefield in the State of Virginia.

That the Governor of Kentucky appoint a committee of four, as follows: Capt. John Esten Keller, President of the

Confederate Veterans Association of Kentucky; Hon. J. L. Vallandingham, M. D., member of the Phillip Preston Johnston Camp, Sons of Confederate Veterans, and Miss Julia Spurr, President of the Lexington Chapter, United Daughters of the Confederacy, together with the Governor of the State of Kentucky, all of said committee to serve without pay, and that said Committee be authorized to select an appropriate monument to be erected on said battlefield.

That after said monument is erected that the cost of the same be paid by the Treasurer on a warrant drawn on him by the Auditor of Public Accounts.

Said resolution was referred to Committee on Kentucky Statutes No. 1.

A message was received from the House of Representatives announcing that they had adopted a Resolution inviting Senator Alben W. Barkley to address the General Assembly on such date as he may select.

Said resolution was ordered to lie on the Clerk's desk.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 152. An Act to repeal and re-enact Sections 216a-1; 216a-7; 216aa-8; 216aa-16; 216aa-25; 216aa-27; 216aa-28; and to repeal Sections 216aa-4; 216aa-5; 216aa-6; of Carroll's Kentucky Statutes, (Baldwin's Revision of 1930), relating to the State Board of Charities and Corrections, its management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this State; declaring an emergency, and repealing all laws, or parts of law, in conflict herewith to the extent of such conflict.

Said bill was referred to the Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 216a-1 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 1 of Chapter 7 of the Acts of the General Assembly of 1920, be and the same is hereby repealed, amended and re-enacted so that the same when so amended and re-enacted shall read as follows:

There shall be, and there hereby is created a Board to be known as "THE STATE BOARD OF CHARITIES AND CORRECTIONS," which shall be composed of five (5) members, all of whom shall be residents of Kentucky and not less than thirty (30) years of age. The members of said board shall be appointed by the Governor, by and with the consent of the Senate; one (1) for a period of one (1) year; one (1) for a period of two (2) years; one (1) for a period of three (3) years, and two (2) for a period of four (4) years from the date of appointment, unless sooner removed for cause, and thereafter all appointments, except to fill vacancies, caused by death, resignation or removal, shall be for a full term of four (4) years.

Each member of the board, except the chairman, shall receive an annual salary of One Thousand ($1,000.00) dollars per year, to be paid monthly out of the State Treasury, and the chairman shall receive an annual salary of Three Thousand Six Hundred ($3,600.00) dollars per year, to be paid monthly out of the State Treasury.

The chairman and members of said board shall also be paid their actual and necessary expenses while in the discharge of their official duties.

§ 2. That Section 216a-7 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 7 of Chapter 7 of the Acts of the General Assembly of 1920, be and the same

is hereby repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:

The board shall meet at least once a month and at other times on the call of the chairman. The Governor shall annually designate and appoint one of the members of said board as chairman, and the said chairman shall be required to give all of his time to the business and affairs of the board, and he shall reside in Frankfort, Kentucky. He shall have general charge, subject to the supervision and control of the board of the institutions of the State, which are under the jurisdicion of said board, and shall perform such duties and exercise such power as the board may, from time to time, direct.

The board shall adopt By-laws and regulations for the transaction of its business and the management of its affairs and for the management of the institutions under its charge, as it may consider expedient and as are not inconsistent with law. It shall keep a record of all its proceedings and of all receipts and disbursements under its management, which records shall be open at all times to inspection by the Governor or a committee of the Legislature to examine or inspect the same.

§ 3. That Section 216aa-8 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 8 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted so that the same when so amended and re-enacted shall read as follows:

The board shall appoint a superintendent and receiver for each of the institutions under its management and control and shall fix the compensation of each of said superintendents and receivers.

§ 4. That Section 216aa-16 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 16 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted, so that

the same when so amended and re-enacted shall read as follows:

The board shall provide for such officers and employes for each institution and for such clerical and other assistants for itself as it may deem necessary, except that the board may not dispense with a superintendent and a receiver for each institution.

§ 5. That Section 216aa-25 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 25 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:

Appropriations made for the Board of Charities and Corrections shall be payable by warrant drawn by the Auditor. The Board may draw upon the Auditor of public accounts monthly for such sums of money as are necessary to run the institution under its control, including the salaries due all members of the board, officers and employees. The order upon the Auditor shall specify the purpose for which the expenditure was made and the amount and the persons to whom paid. The order shall be signed and approved by the chairman of the board and shall not be issued except by order of the board entered of record, specifying the amount and the purpose for which the expenditure was made and to whom. When such order is received by the Auditor he shall draw his warrant on the State Treasury in favor of the person specified in said order and the amount directed to be paid, and said warrant must specify for what purpose the money is to be used and the fund from which said money is paid, and the State Treasurer shall, out of the money in the State Treasury, appropriated to the Board of Charities and Corrections, pay said warrants. Said orders and warrants shall be carefully preserved and shall become vouchers for the amounts paid to be specified by them.

§ 6. That Section 216aa-27, Carroll's Kentucky Statutes

(Baldwin's Revision of 1930), being Section 27 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted so that the same when so amended and re-enacted shall read as follows:

The superintendents shall examine all claims and accounts against their respective institutions, and report any fact or circumstance indicating any irregularity, fraud or wrong to the Board of Charities and Corrections, and if they have any doubt of the justice or legality of any of the claims they may require both the superintendent and the receiver to endorse their opinion in writing, on the back thereof; and it shall be the duty of said officer to endorse any claim when required by the board to do so; and the Board of Charities and Corrections shall not direct any claim, or part thereof, to be paid until they are satisfied from such investigations as may be necessary, that the same is just, legal and right; and no claim of any kind shall be paid, in whole or in part, whether presented by an officer of the institution or other person, until it shall have been examined and approved by the receiver and submitted to the Board of Charities and Corrections and determined by them to be just and right and directed to be entered upon the record of its proceedings; and the chairman of the said Board of Charities and Corrections shall not issue any order for the payment of money upon the Auditor of public accounts except for the amount of claims which have been so submitted by the board, allowed by it, and ordered to be paid.

§ 7. That Section 216aa-28, Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 28 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed, amended and re-enacted so that the same when so amended, and re-enacted shall read as follows:

Whenever the chairman of the State Board of Charities and Corrections shall issue an order for the payment of money, he shall cause the number, amount and date thereof, and the name of the person in whose favor it is made, to be entered by the secretary in a separate book kept for that pur-

pose; and whenever he shall receive any money for the use of the institutions, he shall cause the same to be entered by the Secretary in said separate book, but in a different part of it, stating the amount of money and when and from whom received, and thereupon he shall deposit said money and other means (of whatever character they may be) with the treasurer and take his receipt therefor and preserve it as a voucher.

§ 8. That Section 216aa-4 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 4 of Chapter 16 of the Acts of the General Assembly of 1928, be and the same is hereby repealed.

§ 9. That Section 216aa-5 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 5 of Chapter 16, Acts of the General Assembly of 1928, be and the same is hereby repealed.

§ 10. That Section 216aa-6 of Carroll's Kentucky Statutes (Baldwin's Revision of 1930), being Section 6 of Chapter 16, Acts of the General Assembly of 1928, be and the same is hereby repealed.

§ 11. All Acts, or parts of Acts, in conflict herewith are hereby repealed to the extent of such conflict.

§ 12. Whereas, it is necessary for the efficient management of the various institutions under the control and management of the State Board of Charities and Corrections that the management provided for in this Act shall not be delayed, an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval, as required by law.

ORDERS OF THE DAY

Senator Humphreys moved that Senate Bill No. 9 hold its place in the orders of the day.

Said motion was agreed to.

Senator Rogers moved that Senate Bill No. 13 hold its place in the orders of the day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 48. An Act authorizing, empowering and directing the Governor to cause an audit, study and survey of all the departments, institutions, boards, commissions and agencies of the Commonwealth; empowering him to employ auditors, accountants, clerks, bookkeepers, attorneys and all other persons necessary to make said audit, study and survey, defining the scope or character of same, and appropriating the sum of one hundred and fifty thousand dollars ($150,000.00) to be used by the Governor in carrying out the purpose of the Act.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this Commonwealth is hereby authorized, empowered and directed to cause to be made a full, thorough, comprehensive and complete audit, study and survey of all the departments, institutions, boards, commissions and agencies of this Commonwealth. To this end he is now specifically authorized, empowered and directed to employ such reputable, qualified and experienced accountants, auditors, clerks, bookkeepers, attorneys, and any and all other persons that may be necessary to carry out, as expeditiously as possible, the duties imposed upon him by this Act.

The audit, study and survey herein provided for shall extend back over such a period of years as will reveal the true financial condition of the Commonwealth, and of every department thereof, and shall be of such character as to ascer-

tain waste, duplication of effort, useless offices, faulty or inadequate systems of bookkeeping, improper budgeting and any and all other facts that may aid in placing the Commonwealth upon a sound financial basis.

Upon completion of said audit, study and survey, the Governor shall make a detailed report thereof to the General Assembly, together with his recommendations concerning the same.

There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of one hundred and fifty thousand dollars ($150,000.00) to be used by the Governor in performing the duties required by this Act. Said funds shall be paid out of the State Treasury on warrants drawn by the State Auditor upon proper certification by the Governor.

Whereas, the amount of the outstanding indebtedness against the Commonwealth is now unknown, but is increasing from year to year, and,

Whereas, the happiness and prosperity of our people depend largely upon sound financial and economic policies which can be definitely outlined and determined only after the true financial condition of our Commonwealth is revealed,

Now therefore, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Senator Stephenson proposed the following amendment to said bill:

Amend Senate Bill 48 by striking the word "attorneys" from line 7 of Section 1.

Senator Stephenson moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Franklin moved that the third reading of said bill at length be dispensed with.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	O. M. Rogers
W. W. Booles	Alex E. Johnson	J. M. Rose
H. M. Brock	L. C. Littrell	R. H. Royster
Edwin C. Dawson	Frank I. Lloyd	Dr. Lewis Ryans
Thos. C. Ferguson	Rev. C. D. McCaw	E. D. Stephenson
Walter N. Flippin	C.T.McCormick,Sr.	Joe Stewart
Chas. G. Franklin	Wm. Mehler	Thos. O. Turner
Perry B. Gaines	E. C. Moore	Fred C. VanHoose
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	W. A. Yates
Robert Humphreys	Marion F. Pogue	Allie W. Young
Wm. Isaacs	Dr. G. W. Ragan	Gates F. Young

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Those who voted in the negative were:

Dr. T. J. Edge	F. M. White

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Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 4. An Act amending Sections 3766e-2, Kentucky Statutes, Baldwin's Kentucky Statutes Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, and 3766e-9, Kentucky Statutes, Carroll's 1930 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, and Section 9, Chapter 164, of the Acts of the General Assembly of 1928, respectively, and declaring an emergency to exist.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3766e-2, Kentucky Statutes, Baldwin's Kentucky Statute Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, be and the same hereby is amended by repealing said section in its entirety, and enacting in lieu thereof the following so that said section as amended shall read as follows:

Said Commission shall be composed of seven (7) members to be appointed by the Governor. Each member of said Commission shall be a citizen and resident of the Commonwealth of Kentucky, and the members of said Commission shall serve for a term of four (4) years, and until their successors are appointed and qualified. The Governor shall make said appointments within ten (10) days from the effective

date of this Act. If any vacancy or vacancies shall occur in said Commission by death, resignation, or otherwise, the same shall be filled for the unexpired term by appointment by the Governor. Before entering upon the discharge of their duties the members of said Commission shall each take and subscribe to the constitutional oath of office, which oath shall be filed in the office of the Secretary of State. The members of said Commission shall meet as soon as practicable after their appointment and qualification and organize by electing one member of said Commission as chairman, another as vice chairman, a secretary and a treasurer, and such other officers, clerical help and assistants as they deem necessary may be appointed by said Commission. Said Commission shall also adopt by-laws to govern its procedure.

§ 2. That Section 3766e-9, Kentucky Statutes, Carroll's 1930 Edition, being Section 9, Chapter 164 of the Acts of the General Assembly of 1928, be and the same hereby is amended by repealing said section in its entirety, and enacting in lieu thereof the following so that said section as amended shall read as follows:

Upon request of the Commission, it shall be the duty of the Attorney General to act in his official capacity for and on behalf of the Commission in any matter or proceeding wherein his services may be necessary, and to furnish the Commission his written advice and opinion touching any matter in which the Commission, as such, may be properly interested. Provided, however, that the Commission shall have the right and it hereby is authorized and empowered to employ such special counsel, employees, and assistants as it may deem necessary to efficiently discharge the duties imposed upon it by law, and it hereby is authorized and empowered to fix the salary or compensation of each person so employed.

§ 3. If any section, clause, or provision of this Act shall be held to be invalid or unconstitutional, such holding shall not affect any other section, clause, or provision, it being the

intention of the General Assembly in enacting this Act to enact each section and each provision separately, and if any provision or section contained in any part of this Act shall be held invalid or unconstitutional, it is hereby declared that the remaining portion of said section and of said Act would have been enacted without such invalid or unconstitutional provision.

§ 4. Whereas, on May 25, 1926, the President of the United States approved an Act of Congress providing for the establishment of a National Park in Kentucky, the conditions precedent of which have not been fully met or performed by the Commonwealth of Kentucky, and

Whereas, great benefits to the Commonwealth of Kentucky will result from the prompt compliance with said conditions precedent and the establishment of a National Park in Kentucky, and in order that the Governor may select and appoint, without outside interference or restrictions, a Commission under the terms of this Act for the better promotion and earlier compliance with and full performance of said conditions precedent, and all of the premises considered, it is hereby declared that an emergency exists and this Act shall take effect immediately upon its passage and approval by the Governor.

Senator Gates F. Young moved that the third reading of said bill at length be dispensed with.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	J. M. Rose
W. W. Booles	Silas Jacobs	R. H. Royster
H. M. Brock	Alex E. Johnson	Dr. Lewis Ryans
Edwin C. Dawson	L. C. Littrell	E. D. Stephenson
Dr. T. J. Edge	Frank I. Lloyd	Joe Stewart
Thos. C. Ferguson	Rev. C. D. McCaw	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	W. A. Yates
J. S. W. Holloway	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 16. An Act to amend Section 2740, Kentucky Statutes, by Carroll, Official 1930 Edition, also Chapter 89 of the Acts of the General Assembly of Kentucky of 1930 relating to classifications of the cities and towns of the State so as to change the city of Greenville, Muhlenberg County, from a city of the fifth class to a city of the fourth class, be and the same are hereby amended as follows:

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2740, Kentucky Statutes by Carroll, Official Edition, 1930, also Chapter 108, Acts of 1930, and Chapter 82, Acts of 1924 of the General Assembly of Kentucky be amended by striking from the list of cities of the fifth class the words, "Greenville, Muhlenberg County," and adding the same words to the list of cities of the fourth class so that when amended said section shall read as follows:

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County; Ashland, Boyd County.

Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Maysville, Mason County; Corbin, Whitley County and Knox County.

Fourth Class—Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Franklin, Simpson County; Barbourville, Knox County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Murray, Calloway County; Jackson, Breathitt County; Elizabethtown, Hardin County; Hazard, Perry County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter

County; Irvine, Estill County; Marion, Crittenden County; Clifton, Campbell County; Fort Thomas, Campbell County; Russell, Greenup County; Harlan, Harlan County; Paintsville, Johnson County; Sturgis, Union County; Prestonsburg, Floyd County; Greenville, Muhlenberg County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand River, Livingston County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Fleminsburg, Fleming County; Vanceburg, Lewis County; Elkton, Todd County; Falmouth, Pendleton County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Beattyville, Lee County; Owenton, Owen County; Burnside, Pulaski County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Hustonville, Lincoln County; Drakesboro, Muhlenberg County; Tompkinsville, Monroe County; Hellier, Pike County; Perryville, Boyle County; Wilmore, Jessamine County; Greenup, Greenup County; Horse Cave, Hart County; Brooksville, Bracken County; Whitesburg, Letcher County; Columbia, Adair County; Elkhorn City, Pike County; Manchester, Clay County; Beaver Dam, Ohio County; Ravenna, Estill County; Louisa, Lawrence County; Burkesville, Cumberland County; London, Laurel County; Cumberland, Harlan County; Grayson, Carter County; Neon, Letcher County; Raceland, Greenup County. (1930, c. 108; 1926, c. 141.)

§ 2. Whereas, it is necessary for the assigned city mentioned herein to make its tax levy for this year under the charter of the town to which it has been assigned, an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage, and approval by the Governor.

All Acts or parts of Acts inconsistent herewith are hereby repealed.

Senator Edge moved that the third reading of said bill at length be dispensed with.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	Sewell B. Williams
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young
Wm. Isaacs	O. M. Rogers	—38

Resolved that the title thereof be as aforesaid.

Senator Edge moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 60. Bill to provide an appeal from the Board of Equalization cities of the fifth class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3645, Carroll's Kentucky Statutes, which is Subdivision No. 5, under Municipal Corporations in Carroll's Kentucky Statutes of 1922 Edition, relative to cities of the fourth, fifth and sixth class, that said Section 3645 of said Carroll's Kentucky Statutes be amended by adding the following:

"But any taxpayer feeling himself aggrieved by the action of the said Board of Equalization may appeal to the Quarterly Court within 30 days after the final adjournment of the said board, by filing with the judge of the said court a certified copy under the hand of the clerk of the board of the action of the said board. He shall have a right to appeal from the decision of the Quarterly Court to the Circuit Court and then to the Court of Appeals in the same manner as the law now allows appeals in civil cases. The city attorney shall represent to city on all appeals and the city shall have the same right to appeal from the Quarterly and Circuit Courts as the aggrieved taxpayer."

All other Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Senator Ryans moved that the third reading of said bill at length be dispensed with.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	Wm. Mehler	Thos. O. Turner
Walter N. Flippin	E. C. Moore	Fred C. VanHoose
Chas. G. Franklin	Ray B. Moss	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
J. S. W. Holloway	Marion F. Pogue	W. A. Yates
Robert Humphreys	Dr. G. W. Ragan	Allie W. Young
Wm. Isaacs	O. M. Rogers	—35

Resolved that the title thereof be as aforesaid.

Senator Ryans moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled:

S. Res. 3. Resolution memorializing the Congress of the United States to make adequate appropriation and appoint a Commission for the purpose of fittingly celebrating the sesqui-centennial of the Siege of Bryan Station and the Battle of Blue Licks, "The Last Battle of the Revolution," in August, 1932.

Said resolution reads as follows:

Whereas, great preparations have been made by the Congress of the United States and the States of the Union to celebrate, throughout this year of 1932, the two hundredth anniversary of the birth of George Washington, the Father of Our Country, and

Whereas, the major events of the War for Independence, notably the Siege of Yorktown and the Surrender of Cornwallis, have been re-enacted in a glorious and inspiring manner under the direction and by appropriation of the Congress of the United States, and

Whereas, the George Washington Bicentennial year is also the sesqui-centennial anniversary of the Siege of Bryan Station and the Battle of Blue Licks, "The Last Battle of the Revolution," where every American officer in the action was killed, with the exception of the dauntless Colonel Daniel Boone; therefore,

Be it resolved by the Senate of Kentucky, the House of Representatives concurring:

That the Congress of the United States be memorialized to appropriate adequate funds and appoint a Commission for the celebration in August, 1932, of the Siege of Bryan Station and the Battle of Blue Licks on a scale commensurate with the importance of the occasion and as a fitting tribute

to the patriotism and bravery of the Kentuckians who laid down their lives, in these two memorable conflicts, for the cause of Freedom and Independence;

Be it further Resolved,

That the Chief Clerk of the Senate forward one copy each of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Senators and Representatives from Kentucky in the United States Congress.

Senator Hamilton moved that the third reading of said resolution at length be dispensed with.

Said motion was agreed to by a majority of members elected.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	Frank I. Lloyd	Dr. Lewis Ryans
Edwin C. Dawson	Rev. C. D. McCaw	E. D. Stephenson
Dr. T. J. Edge	Wm. Mehler	Joe Stewart
Thos. C. Ferguson	E. C. Moore	Thos. O. Turner
Walter N. Flippin	Ray B. Moss	Fred C. VanHoose
Arch Hamilton	D. C. Naive	F. M. White
J. S. W. Holloway	Marion F. Pogue	Sewell B. Williams
Robert Humphreys	Dr. G. W. Ragan	W. A. Yates
Wm. Isaacs	O. M. Rogers	—32

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

COMMITTEE REPORTS

The Committee on Appropriations to which had been referred House Resolution No. 3 reported the same with the expression of opinion that same ought to pass.

Senator Turner moved that the rules be suspended and said resolution put on its adoption.

Said motion was agreed to by a majority of the members elected.

Ordered that said resolution be read the third time.

Said resolution reads as follows:

Resolution providing a contingent fund for the Clerk of the House and the Clerk of the Senate.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of five hundred dollars ($500.00) and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives of the Commonwealth, under the direction of said House, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of five hundred dollars ($500.00). Said respective funds shall be

paid out on warrant of the Auditor, issued on requisition of the Chief Clerk of the Senate and of the House of Representatives.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	C.T.McCormick,Sr.	Joe Stewart
Thos. C. Ferguson	Wm. Mehler	Thos. O. Turner
Walter N. Flippin	E. C. Moore	Fred C. VanHoose
Chas. G. Franklin	Ray B. Moss	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
J. S. W. Holloway	Marion F. Pogue	W. A. Yates
Robert Humphreys	Dr. G. W. Ragan	Allie W. Young
Wm. Isaacs	O. M. Rogers	Gates F. Young

—36

Resolved that the title thereof be as aforesaid.

Senator Turner moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Committee on Appropriations to which had been referred Senate Resolution No. 8 reported the same with the expression of opinion that same ought not to pass.

S. Res. 8. Resolution providing for reimbursing town of Hardinsburg, Kentucky, for construction of concrete street through town of Hardinsburg, same being approximately .84 miles of Federal Highway No. 60.

Senator Stewart moved that said resolution be recommitted to the Committee on Appropriations with leave to report at any time.

Said motion was agreed to.

COMMITTEE REPORTS

Senator Ragan of the Committee on Public Health, to which had been referred a bill of the following title:

S. B. 145. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of dentistry in the State of Kentucky. Passed March, 1912.

Reported with expression of opinion that same ought to pass with an amendment thereto.

Senator Dawson of the Committee on Roads and Highways to which had been referred bills of the following titles:

S. B. 73. An Act establishing a State primary road project leading from a point at Gest to State Highway No. 37 near the Gusta Clements farm via Harpers Ferry in Henry County.

S. B. 44. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

S. B. 53. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky, a road located in Muhlenberg County, Kentucky, and beginning at Greenville, and running westwardly with the old Greenville and Madisonville Road, to Project No. 238, between Earles and Midland, thence to Millport, connecting with Project No. 247.

S. B. 128. An Act relating to roads and bridges and establishing as a part of the primary system of State highways a road leading from a point on Kentucky Highway No.

52, at West Irvine, via Station Camp, Kentucky, up Red Lick Creek to a point on Kentucky Highway No. 21 at or near Big Hill, Kentucky, in Madison County, and designate the same as State Project No. —.

S. B. 129. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from Booneville in Owsley County to Campton, in Wolfe County, via Tallega and Fillmore in Lee County, and crossing the North Fork of the Kentucky River at the mouth of Rock Lick Creek in Breathitt County.

S. B. 165. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road from Good Luck to the Monroe County line at or near Cyclone and authorizing the State Highway Commission of Kentucky to select and adopt the most direct and practical route between said points and repealing all Acts in a conflict in the extent of such conflict.

S. B. 159. An Act to add to the State primary highway system a road from State Primary Project No. — in Livingston County to the Lyon County line in Crittenden County.

S. B. 167. An Act to establish as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road leading from State Highway No. 58 where the Mayfield and Kirksey Road intersects said highway in Graves County, Kentucky, and running thence to a point at or near Liberty Church; thence by way of Kirksey, Calloway County, Kentucky, to Murray, Calloway County, Kentucky, and designated as Project No. —.

S. B. 123. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, relating to roads and bridges, by establishing and adding thereto a road from Joy, Livingston County, Kentucky, on what is now State Project No. 124, to Carrsville, Livingston County, Kentucky, a distance of about three miles,

to the Ohio River, there connecting the State highways of Kentucky with the State highway system of the State of Illinois on Project No. —, thence to Elizabethtown, Ill., the county seat of Hardin County, Illinois.

S. B. 122. An Act to add to the State primary system a road from Dycusburg, Crittenden County, to Fredonia, Caldwell County, Kentucky.

S. B. 22. An Act to establish as a part of the primary road system of the Commonwealth of Kentucky a road in Bracken County, beginning at a point in State Highway No. 10 in the village of Lenoxburg, via the existing public road to the village of Foster.

S. B. 78. An Act establishing a State primary road project leading from a point in the Campbellsburg-Bedford State Road No. 37 about two and one-half miles from Campbellsburg at the Joe Campbell and Will Clark property in Henry County thence following the county road down Campbell branch to State road from Sulphur to New Castle at Sulphur.

S. B. 104. An Act to establish a primary road project from the mouth of Emily Creek in Martin County thence up Emily Creek to the mouth of Copers Mine, thence up Copers Mine and across the hill to Lick Branch to the Pike County line on the waters of Big Creek.

S. B. 105. An Act to establish a primary road project from the mouth of Wolf Creek in Martin County on the Garrett Highway to the Pike County line connecting with the Pikeville-Williamson Road.

S. B. 63. An Act establishing as a part of the highway system of highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland County, and leading to Black's Ferry, Monroe County, via Cloyd's Landing.

S. B. 65. An Act to establish a primary road project

from U. S. Route No. 23 at the junction of the Van Lear Road in Johnson County to the corporate limits of the town of Van Lear.

S. B. 88. An Act creating and establishing as a part of the primary road system of highways of the State of Kentucky a road running from Pellyton in Adair County to a point intersecting with the State highway leading from Liberty to Campbellsville at or near Price's shop, said road to be designated by the State Highway Department with an appropriate project number.

S. B. 75. An Act to establish a State primary road project leading from Lockport in Henry County by the mouth of Pot Ripple to Gest and Monterey in Owen County.

S. B. 77. An Act establishing a State primary road project leading from the mouth of Drennon to New Castle State road near Drennon Springs, thence by way of Franklinton and Clubb Lane to State Highway No. 22 in Henry County.

S. B. 74. An Act establishing a State road project leading from Carroll up Six Mile Creek in Henry County, Kentucky, to intersect with the Gest-Harpers Ferry State Road No. 37 turnpike.

S. B. 76. An Act establishing a State primary road project leading from a point in the New Castle-Port Royal State road about two miles south of Port Royal thence following the county road, thence by Turners Station to State Road 55 near Overhead Bridge at Campbellsburg.

S. B. 72. An Act relating to roads and bridges and amending Chapter 398 of the Acts of the General Assembly, 1928, bearing upon Road Project 433, striking from the said road project as set out in said chapter certain directions and points designated in said chapter for said road to pass.

All the above bills were reported with expression of opinion that same ought to pass.

Said bills were severally read at length and placed on the calendar.

Senator Ragan of the Committee on Public Health to which had been referred a bill of the following title:

S. B. 149. An Act relating to chiropractic, amending and re-enacting Section 8 of Chapter 123 of the Acts of the General Assembly of 1928.

Reported without an expression of opinion.

Senator Ragan of the Committee on Public Health to which had been referred bills of the following titles:

S. B. 89. An Act amending Chapter 187, Section 3, of 1926, making it mandatory to pay pension to persons with permanent disability under the provisions of said chapter.

S. B. 175. An Act to amend Section 216aa-68 and 216aa-69, Carroll's Kentucky Statutes, 1930 Edition, pertaining to inquests concerning the condition of the mind or mental faculty of persons.

S. B. 142. An Act to amend and re-enact Section 2625 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

S. B. 141. An Act to amend and re-enact Section 2622 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

All bills were reported with expression of opinion that same ought to pass.

Said bills were severally read at length and placed on the Calendar.

Senator Lloyd of the Committee on Labor and Manu-

facturing to which had been referred a bill of the following title:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works; and further providing for definition of terms used, enforcement of and penalty for violation of this Act.

Reported with expression of opinion that same ought to pass with the following amendment thereto:

Amend by striking out the words, "and/or unless otherwise provided by law," in line three (3), page one (1), and insert in lieu thereof the words, "by the provisions of this Act."

Amend by inserting in line sixteen (16), page three (3), between the words "is" and "being," the words, "to be or is."

Amend by striking out the word, "of," in line three (3), on page four (4), following the word, "citizen," and adding in lieu thereof the words "domiciled within."

Senator Lloyd of the Committee on Labor and Manufacturing to which had been referred a bill of the following title:

S. B. 57. An Act to repeal and re-enact Section 2290-B, Carroll's Kentucky Statutes, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8) shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth. And providing for the enforcement of and penalties for violation thereof.

Reported with expression of opinion that same ought to pass.

Said bills were severally read at length and placed on the Calendar.

CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only and placed in Orders of the Day.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only.

Said titles to bills are as follows:

CALENDAR, JANUARY 26, 1932.

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

S. B. 41. An Act relating to redemption of land sold for taxes and possession of same, to collection of delinquent taxes and to the duties of County Judges, Sheriffs, County Clerks and County Attorneys, amending Section 4151-2, Kentucky Statutes, Carroll's 1930 Edition.

S. B. 14. An Act to repeal Section 1697, Carroll's Kentucky Statutes 1930, and enacting in its stead an act fixing the exemptions from execution, attachment, distress or fee bill of persons with a family resident in this Commonwealth.

S. B. 52. An Act to amend paragraph eleven (11), Section 1938a, Chapter 57, and paragraph twenty-four (24), Section 1934c, Chapter 57a, Kentucky Statutes, Carroll's 1930 Edition, relating to open season and bag limit on quail or bobwhite, and license to hunt, and providing for statement of game birds and animals killed, by adding thereto the language as hereinafter set out.

S. B. 139. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

HOUSE RESOLUTION No. 10.

A resolution memorializing Congress to appropriate funds and appoint a Commission to celebrate the siege of Bryan Station and the battle of Blue Lick, in August, 1932.

S. B. 85. An Act to amend and re-enact Section 1954b-11 of Carroll's Kentucky Statutes, 1930 Edition, relating to fur bearing animals changing the date of the closed season.

S. B. 87. An Act relating to the conveyance of the Perryville Battlefield to the United States of America for national cemetery or park purposes.

S. B. 5. An Act relating to roads and bridges and establishing as a part of the State Primary Highway System a road leading from Smithland, Livingston County, Kentucky, to Madisonville, Kentucky, to be known hereafter as the Ruby Laffoon Trail and designating same as State Project No. .....

H. B. 36. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said board.

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

S. B. 157. An Act prohibiting cattle from running or trespassing on state and national parks, encampment grounds, scout camps, and grounds dedicated to religious, educational and recreational purposes, and providing penalties therefor.

ENROLLMENT REPORT

Senator Stewart of the Committee on Enrollment reported that they had examined and found correctly enrolled a resolution which originated in the Senate, of the following title:

SENATE RESOLUTION No. 4

Resolution inviting Franklin D. Roosevelt to address the Joint Assembly.

Whereupon, all other business was suspended.

Said resolution was read at length and compared in open Senate and was found to be correctly enrolled.

Thereupon, the President of the Senate in open session in the presence of the Senate affixed his signature to said resolution.

Ordered that the Enrolling Clerk deliver said resolution to the House of Representatives.

After a time, the Enrolling Clerk delivered the original and enrolled resolution which originated in the Senate to the Clerk.

Ordered that the Clerk deliver the enrolled resolution which originated in the Senate and which had been signed by the presiding officers of the Senate and the House of Representatives to the Governor.

After a time the Clerk reported that he had performed that duty.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

WEDNESDAY, JANUARY 27, 1932.

The Senate was called to order by the President of the Senate, Lieutenant Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Olaf Anderson of the Southern Presbyterian Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	Alex E. Johnson	Dr. Lewis Ryans
H. M. Brock	L. C. Littrell	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Joe Stewart
Dr. T. J. Edge	Rev. C. D. McCaw	Thos. O. Turner
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	E. C. Moore	F. M. White
Chas. G. Franklin	Ray B. Moss	Sewell B. Williams
Perry B. Gaines	D. C. Naive	W. A. Yates
Arch Hamilton	Marion F. Pogue	Allie W. Young
J. S. W. Holloway	Dr. G. W. Ragan	Gates F. Young
Robert Humphreys	O. M. Rogers	
Wm. Isaacs	J. M. Rose	—37

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Williams moved that the priviliges of the floor be extended to Mr. G. C. Allen and Mr. K. C. Williams.

Said motion was agreed to.

Senator Yates moved that the privileges of the floor be extended to Mr. G. R. Reed of Columbia.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Mr. W. L. Watson of Ashland.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Mrs. Goner.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Messrs. James Manion, James Fleming, W. G. Scholflin, George Hancock of Henderson and Mr. B. L. Nisbet of Madisonville.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Mr. Lee Gibson of Owensboro, Mr. Lucian Haynes of Calhoun and Messrs. James Manion, James Fleming and W. G. Scholflin of Henderson.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Messrs. J. M. Theobald and T. D. Theobald of Grayson.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Dr. O. V. Brown, Henderson Kirtley and Walter Rowlett of Island, H. C. Holder of Calhoun and L. G. Lindeman.

Said motion was agreed to.

Senator Gaines moved that the privileges of the floor be extended to Mr. Marvin Munish, Mr. W. S. Johnson and Rev. Staley of Carrollton.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Mr. Fayette Yancy and Dallas Harroll of Olive Hill.

Said motion was agreed to.

Senator VanHoose moved that the privileges of the floor be extended to Judge Hall and Dr. Hall of Paintsville.

Said motion was agreed to.

Senator Gaines moved that the privileges of the floor be extended to Mr. Paul H. William of Carrollton.

Said motion was agreed to.

Senator White submitted the following communications from sundry citizens in his district.

Said communication reads as follows:

"Resolutions adopted by the Tompkinsville, Ky. Chamber of Commerce, at the regular session, January 19th, 1932.

Whereas, This section and similar counties over the State are vitally dependent upon trucks for transportation of all commodities which come into the county and the products which go out,

Whereas, Trucks now pay in license and gas tax their share of maintenance of the highways,

Whereas, the proposed legislation is discriminatory and planned to injure the truck business,

Therefore, be it resolved that this body is unanimously opposed to all restrictions and threats of restrictions embodied in legislation now pending as set forth in Lebus bill.

Respectfully submitted,

O. C. LANDRUM, President.
R. H. McCREARY, Secretary.

"The following resolutions were adopted by the Chamber of Commerce of Tompskinsville, Ky., in regular session, January 19th, 1932, and the undersigned committee appointed to draft and forward these resolutions to the Governor of Kentucky and our member of the General Assembly.

(1) Whereas, in the opinion of the members of the Tompkinsville Chamber of Commerce, a flat 2c tax on all commodities, would work a hardship on the poor, many of whom are already almost penniless, and discourage buying on the part of those who can afford it;

(2) Would give an advantage to Mail-Order Houses over our own merchants.

(3) Would penalize Kentucky Border dealers to the profit of dealers in adjoining states,

Therefore, Be it resolved: First, That this Chamber favors a Luxury Tax and an Income Tax rather than a commodity tax; Second, That the gravity of the present emergency justifies increasing the bonded indebtedness of the state if necessary to meet immediate needs. That the proposed reduction on real estate is too drastic.

Respectfully submitted,

O. C. LANDRUM, President.
R. H. McCREARY, Secretary.

To Committee on Rules.

Senator Flippin submitted the following communication from sundry citizens in his district.

Said communication reads as follows:

"We, the undersigned retail merchants of the City of Somerset, County of Pulaski, State of Kentucky, hereby offer our objections to the present proposed Sales Tax Law of two per cent of gross retail sales, for the following reasons, and

submit same earnestly for your just and fair consideration which we feel will cause you to oppose the introduction and passage of this bill which we, the aforesaid retailers, consider unfair and of a discriminating nature. Reasons as follows:

1. Discrimination against the retail business of the State of Kentucky, thereby forcing said retailers to be the collection agency for the State of Kentucky in order that a large sum be raised for carrying on State government.

2. The amount provided in bill proposed (2%) is entirely prohibitive and inconsistent with the management of all retail business.

3. It will prove confiscatory and destroy the retail business which has already suffered the same reaction from the depression that our Commonwealth has and enable border cities of other states to offer a competition of discrimination by reason of such a proposed law; thereby giving mail order houses outside the State a tremendous advantage over retailers in our own State.

4. We sincerely and further believe if the bill is passed it would force the liquidation and destruction of fifty per cent of the retail business of the State for bankrupt reasons.

5. Although we appreciate the problems before you and are willing to do anything reasonable to help in such times of stress, yet we cannot stand by and permit without a vigorous protest the passage of a bill that would be destructive to a channel of business (retail) which has proven most productive and a source of revenue to our State and thereby cause a loss rather than added gain.

We respectfully urge the serious consideration of this petition.

To Committee on Rules.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Pogue.

S. B. 224. An Act relating to the publication of legal notices required by law to be published in newspaper.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all legal notices required by law to be published in any town, city, county, or subdivision thereof, shall be published in a newspaper printed and published in the town, city, county, or subdivision thereof, in which the publication originates and is required to be published, or, if there be none printed and published in said town, city, county or subdivision thereof, said publication shall be made in a newspaper printed and published in Kentucky which has general circulation in the county in which the publication is to be made and where largest circulation is specified and there are no newspapers printed in said town, city, county, or subdivision thereof, it shall be published in a newspaper printed in Kentucky which has the largest circulation in the town, city, county, or subdivision thereof, where said publication shall be made.

§ 2. All acts and parts of acts in conflict herewith are to the extent of each conflict hereby repealed.

By Senator Jacobs.

S. B. 225. An Act to amend and re-enact Chapter 269, page 580, of the Acts of the General Assembly of 1924, which is Project No. 126, of Section 4356t-5, of Baldwin's Kentucky Statute Service of Carroll's Kentucky Statutes, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 269 of the Acts of the General Assembly of 1924, which is Project No. 126, of 4356t-5, of Baldwin's Kentucky Statute Service of Carroll's Kentucky Statutes, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same, be amended, and when amended and re-enacted said Project No. 126 will read as follows:

Project No. 126. From Carlisle to Flemingsburg, by way of Myer's Station; thence by way of Pleasant Valley; thence by way of Cowan; thence by way of Elizaville to Flemingsburg; thence from Carlisle by way of the Miller's Station Turnpike near the residence of Forrest Dalzell to an intersection with U. S. Highway No. 68 near the residence of Oscar Johnson on said Highway, the distance of said Project being about three miles.

By Senator Gates F. Young.

S. B. 226. An Act to amend Section Four Hundred and Ten of the Civil Code of Practice.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 410 of the Civil Code of Practice be amended by adding thereto the following words:

In any case in which the plaintiff is seeking to enforce a lien of record in the county court clerk's office of the county in which the property covered by such lien is located and in which the action is filed to enforce same and where the debt is evidenced by a note or other writing signed by defendant or defendants constructively summoned, no bond shall be required of the plaintiff before obtaining a judgment and order of sale for such property, providing the plaintiff at the time any such action is instituted files with the petition an affidavit showing the amount claimed in such action, that the same is due and a just demand against the defendant or defendants and has never been paid and that there is no offset or discount against the same or any usury therein, so that said section as amended will read as follows:

Bond to be executed before judgment except by Commonwealth and except to enforce a lien of record on a debt evidenced by writing.

Before judgment is rendered against the defendant constructively summoned and who has not appeared, a bond shall be executed with good surety approved by the court to the effect that if the defendant shall procure a vacation or modification of the judgment, the person in whose favor it was rendered shall restore to the defendant any property or money obtained under such judgment, restoration of which shall be adjudged. If the judgment be in favor of persons having distinct interests such bond may be executed for each according to his interest; that Sections 410 and 411 shall not apply in actions in which the Commonwealth is a party plaintiff and is the beneficial owner of the demand sought to be collected. In any case in which the plaintiff is seeking to enforce a lien of record in the county court clerk's office of the county in which the property covered by such lien is located and in which the action is filed to enforce same and where the debt is evidenced by a note or other writing signed by defendant or defendants constructively summoned, no bond shall be required of the plaintiff before obtaining a judgment and order of sale for such property, providing the plaintiff at the time any such action is instituted files with the petition

an affidavit showing the amount claimed in such action, that the same is due and a just demand against the defendant or defendants and has never been paid and that there is no offset or discount against the same or any usury therein.

By Senator Jacobs.

S. B. 227. An Act to establish a primary road project to be known as Project No. ———, to begin at Piqua in Robertson County, and extend to U. S. Highway No. 68, near its junction with State Project No. 61, in Nicholas County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a road leading from Piqua in Robertson County, at said place connecting with State Project No. 48, crossing Licking River at Day's Ferry, via Crayton, Rose Hill, Barterville, and connecting with U. S. Highway No. 68, near its junction with State Project No. 61, in Nicholas County, be and the same is hereby established and designated as a part of the primary system of State Highways of the Commonwealth of Kentucky, to be known as State Primary Road Project No. .....

By Senator Jacobs.

S. B. 228. An Act further regulating the use of motor vehicles on the public highways, by providing for issual and revocation of drivers license, keeping record of violations of motor vehicle laws by such licensees; fixing penalties for violations of this law and placing duties upon officers.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. On and after August 1, 1932, no person shall operate a motor vehicle upon a highway in this Commonwealth unless such person shall have in his or her possession, at the time, a license as hereinafter provided.

There is created the office of Registrar of Driver's License and this office shall be filled by the various Circuit Clerks of the Commonwealth until otherwise provided by law, and all driver's license as herein provided shall be issued by said officer, and shall be furnished to him by the State Tax Commission, in sufficient quantities to provide ample supply for each county in the Commonwealth.

The license shall be in the form of a substantial card, of convenient size, to permit the full name and address, and an appropriate number on one side, and on the other blank lines for the purpose of writing thereon a brief record of any and all violations of the Motor Vehicle laws of the State or of a municipality.

§ 2. Before any such license shall issue, each and every applicant shall make oath on an application blank to be furnished to the Registrar, that such applicant is over 16 years of age, sober and discreet and physically and mentally fit to operate a motor vehicle. Such blank shall also contain the address of such applicant. Upon the making of the application as above, the Registrar shall himself fill in the license with the name and address of the licensee, and the same shall be countersigned by such licensee in the presence of the Registrar.

§ 3. Licensees shall be required to carry said card at all times while operating any motor vehicle, and shall submit same at any time and place when requested to do so by any

peace officer of the Commonwealth or of any county or city, or any regular traffic officer, and as well to any person with whom or with whose car the licensee has had an accident.

§ 4. Said license shall be procured between July 1, 1932, and August 1, 1932, and between said days in each succeeding year, and for the issuing of each of same, and preserving the applications, and performing any other duties required of him herein, the Registrar shall receive fifty cents, and an additional fifty cents for the Commonwealth.

§ 5. Any license issued hereunder may be revoked completely, or suspended for any period of time in the discretion of the court administering this law, and in the trial before any court having jurisdiction of the offense committed, and with which the licensee is charged, in addition to the penalties for any violation of the motor vehicle law, the court trying the case may in his discretion revoke or suspend for such time as in his discretion is warranted, any license issued under this act, and if there be no appeal allowed by law from a judgment punishing the violator for the particular offense, nevertheless an appeal may be granted on so much of said judgment as revokes or suspends the license.

§ 6. Non-resident operators of motor vehicles who have complied with the driver's license law of the State of his or her residence shall be exempt from the provisions of this law for the same length of time that is granted to non-residents of their State. Non-resident drivers from such states as do not have a driver's license, or as do not grant reciprocity, shall be exempt for a period of not more than ten days.

§ 7. It shall be unlawful for any person, firm or corporation owning, using or having custody or control of any motor vehicle to permit same to be operated on the public highways of this Commonwealth who has not theretofore procured and has in his or her possession a proper license card.

§ 8. It shall be the duty of the Registrar to keep a full and complete record of the licenses issued by him, and his

book shall be so arranged that there shall be ample space for recording, and he shall record, each and every conviction for violation of any of the motor vehicle laws by such licensee, and it shall be the duty of each and every clerk or judgment recording officer, in this State, within one week after a conviction for a violation of any of the motor vehicle laws, to mail or furnish to the Registrar of the county of the licensee's residence, an attested copy of the judgment of conviction, which shall be recorded by the Registrar upon receipt thereof, and it shall likewise be the duty of said registrar to furnish an attested copy of the record of any conviction of such licensee to any court, judge or clerk thereof on request.

§ 9. Upon complaint by any Commonwealth's or County Attorney, or any peace officer, or by any reputable person, in the form of a warrant issued on affidavit, to the effect that a driver's license holder is mentally or physically unfit to operate a motor car, any circuit or county court may hear the complaint and if justified may in his discretion revoke or temporarily suspend said license.

§ 10. It shall be the duty of the Tax Commission to supply to the Registrar all application and license blanks; such record books as are necessary in the administration of the law to be procured by and furnished to the Registrar as are other record books, to clerks of circuit courts.

§ 11. If there appears on the book of any Registrar a record of more than one conviction against any licensee, which has theretofore been duly certified to him, it shall be unlawful for such Registrar to issue the applicant a driver's license.

§ 12. Penalties are prescribed and declared as follows:

Any person operating on public highways a motor vehicle without driver's license, or any owner permitting an unlicensed driver to operate any motor vehicle on public highways, shall be upon conviction subjected to a fine of not less than twenty-five nor more than two hundred dollars, or con-

finement in the county jail for not less than ten nor more than sixty days, in addition, in the case of the driver, to any revocation or suspension of license.

Any Registrar, clerk or other officer charged with the performance or fulfilment of any duty or duties hereunder, upon conviction shall be fined not less than fifty nor more than two hundred and fifty dollars, for each such failure.

§ 13. The provisions of this Act shall not apply to persons whose business or occupation in whole, or in part, is the operation of motor vehicle for compensation or wages or hire, or who drives any motor vehicle for the transportation of persons, for hire, between fixed termini, or over a regular route.

§ 14. All laws or parts of laws in conflct herewith are hereby repealed.

By Senator Allie W. Young.

S. B. 229. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the State Highway primary system of highways in this Commonwealth the following route, to-wit:

Beginning at the Flemingsburg and Morehead State highway near Plummers Landing; thence through Plummers Landing, via Muses Mills, continuing up East Fork of Fox

creek to the mouth of Sugar Tree Run; thence up said branch to the Lewis County line at the head of Sergeant branch to the waters of Kinniconnick; thence with said creek to Petersville, Lewis County, Kentucky.

This route when established to be designated as Project No. ——— and to be entitled to and receive all the benefits relating to the primary system.

By Senator Allie W. Young.

S. B. 230. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the State highway primary system of highways in this Commonwealth the following route, to-wit:

From the City of Flemingsburg, Fleming County, at the Christian church on State Highway No. 11 and following as near as practicable the old Fox Springs turnpike, via Wallingford; thence by Browning's orchard near Park Lake to the Lewis County line at the head waters of Kinniconnick creek to Petersville, Lewis County, connecting with the State highway survey to the City of Vanceburg, Kentucky.

The route so established to be designated as Project No. ——— and to be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relations to the primary system of State highways.

By Senator Van Hoose.

S. B. 231. An Act to establish as a part of the primary system of State highways a road from the Sandy Hook and Louisa road near the J. L. Hulett farm in Lawrence County to the Mayo Trail on George's Creek.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be and is now established as one of the primary road projects of the Commonwealth of Kentucky the following: A road beginning on the Sandy Hook and Louisa road near J. L. Hulett's farm in Lawrence county, thence up Brushy Creek to near Wilbur Post Office, thence to the head of the right fork of Little Blaine, thence to Charley, Kentucky, thence down George's Creek to intersect the Mayo Trail.

Said project thus established as a part of the primary roads of this Commonwealth shall be entitled to all the privileges, benefits and conditions now given by any Act or law to the primary roads of this Commonwealth.

By Senator Isaacs.

S. B. 232. An Act to be placed on the State primary system of roads a road from Livingston the nearest and most practical route, to the Devoult School House on Skagg's Creek in Rockcastle County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be placed on the State road primary system

a road from Livingston the nearest and most practical route to the Devoult School House on Skagg's Creek in Rockcastle county.

By Senator Isaacs.

S. B. 233. An Act to add to the State primary system of roads a road from Highway No. 168 near James Bullock's residence at Maretburg to Bromo Post Office by J. D. Noe farm in Rockcastle County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the State primary road system a road from Highway No. 168 near James Bullock's residence at Maretburg to Bromo Post Office by J. D. Noe farm in Rockcastle County.

By Senator Isaacs.

S. B. 234. An Act to be placed on the State road primary system a road from Biever-bend filling station to Red Hill school house in Rockcastle County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be placed on the State road primary system a road from Biever-bend filling station to Red Hill school house in Rockcastle County.

By Senator Ferguson.

S. B. 235. An Act establishing a road project from corporation limits of Scottsville, Kentucky, along present travelled road by Gainsville, Meador, across Osborne Ford on Barren River, by Kepler, Warren County, intersecting Bowling Green and Glasgow Road at Kirby Farm.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky, the following route: Beginning at the end of North Court Street at the north corporate limits of Scottsville, Kentucky; thence with the present travelled road from said point to Gainsville, Kentucky, in Allen County; thence with the present travelled road from Gainsville, Kentucky, to Meador, Kentucky; thence to the Osborne Ford or ferry, on Barren River, crossing Barren River to intersect with a road leading by Three Forks school house; thence by Kepler, in Warren County, Kentucky, to where it intersects the Bowling Green and Glasgow Road, at Kirby Farm. Said road project to be known as the Scottsville-Mammoth Cave Highway.

§ 2. The construction, maintenance, supervision, and control of said road shall be subject to and under the provisions and controlled by the Act of the General Assembly as amended relating to roads and highways of the Acts of 1920, being Chapter 17 of said Acts.

By Senator Dawson.

S. B. 236. An Act to amend Section 37 of Chapter 1 of the 1930 Acts of the General Assembly of the Common-

wealth of Kentucky, which is now Subsection 68-b-37 of Baldwin's 1930 Supplement to Carroll's Kentucky Statutes, entitled, "Disposition of moneys collected under this Act."

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 37 of Chapter 1 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, same being Subsection 68b-37 of Baldwin's 1930 Supplement to Carroll's Kentucky Statutes, entitled, "Disposition of moneys collected under this Act," be amended by striking therefrom the following words:

"If there are no funds in this fund they shall be paid for from the general fund of the county and said general fund shall be reimbursed from the live stock fund when such fund has collected an amount equal to that advanced from the general fund."

And that same, when so amended, shall reads as follows:

"All moneys collected by the various sheriffs in this Commonwealth under the provisions of this Act shall, after deducting the amounts paid out for loss, damages, compensation and other expenses necessary for the enforcement of this Act, revert to the school fund of the county. And the same shall be paid for by the county so furnished out of the live stock fund."

By Senator Allie W. Young.

S. B. 237. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the State highway primary system of highways in this Commonwealth the following route, to-wit:

Highway leading from Hillsboro to the intersection of the Flemingsburg and Morehead Highway one mile southeast of Fleming and Rowan County line; via: Ringos Mills, in Fleming County and Sharkey, in Rowan County.

This route when established to be designated as Project No. — and to be entitled to and to receive all the benefits with relations to the primary system under the laws of Kentucky.

By Senator Moss.

S. B. 238. An Act to establish as part of the primary system of State highways of the Commonwealth of Kentucky, a road from London in Laurel County to McKee in Jackson County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from London in Laurel County, leaving the Dixie Highway at East Bernstadt; thence follow-

ing approximately the right of way of the Bond Railroad by the way of Viva, Bowling, to Bond, Kentucky; thence to McKee in Jackson County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out as provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

By Senator Moss.

S. B. 239. An Act to add to the primary system of roads a road from Manchester Pike near Johnston School House to Burning Springs by Langnau Post Office, and Crawford Post Office, in Laurel County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the primary road system a road from the Manchester Pike near Johnston School House to Burning Springs by Langnau Post Office, and Crawford Post Office in Laurel County.

By Senator Moss.

S. B. 240. An Act to add to the primary system of roads a road from Nelson's Store to Green Mount Post Office in Laurel County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the primary road system a road

from Nelson's Store to Green Mount Post Office in Laurel County.

By Senator Moss.

S. B. 241. An Act to repeal and re-enact Section 2043-12, Supplement Carroll's Kentucky Statutes, 1930 Edition, the same being Section 12 of Chapter 68 of the Acts of the General Assembly of 1930 and entitled, "An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of the World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War Adjusted Compensation Act as amended."

To Committee on Veterans' Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2043-12, Supplement Carroll's Kentucky Statutes, 1930 Edition, being Section 12 of Chapter 68 of the Acts of the General Assembly, 1930, relating to the manner of commitment of incompetent veterans of the World War who are beneficiaries of the World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War Adjusted Compensation Act, as amended, be and the same is hereby repealed, amended and re-enacted, so that such section when thus repealed, amended and re-enacted shall read as follows:

Section 12. Every guardian or committee shall invest the funds of the estate in such manner or in such securities,

in which the committee or guardian has no interest, as allowed by law or approved by the court or in annuities.

All laws or parts of laws in conflict herewith are hereby repealed.

Whereas, any delay in the privilege of so investing the funds of a veteran may result in a loss of income to such veteran, an emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

By Senator Franklin.

S. B. 242. An Act to repeal Chapter 115 of the Acts of the General Assembly of 1930, being: An Act to require the Governor to give written notice to the Senate of the names of all appointments made by him where the law now requires, or may hereafter require, said appointments to be made with the advice and consent of the Senate, within ten days before Senate adjourns, and providing that on his failure to give such notice that a vacancy shall exist, which shall be filled by the Lieutenant-Governor of the Commonwealth of Kentucky. Also providing that when nominations to such office or offices are made and notices thereof sent to the Senate which it fails or refuses to confirm that a vacancy shall exist, and providing that the person whom the Senate fails or refuses to confirm shall be ineligible for appointment during a time when the Senate is not in session.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 115 of the Acts of the General Assembly of 1930, which is entitled as follows:

"An Act to require the Governor to give written notice to the Senate of the names of all appointments made by him where the law now requires, or may hereafter require, said appointments to be made with the advice and consent of the Senate, within ten days before Senate adjourns, and providing that on his failure to give such notice that a vacancy shall exist, which shall be filled by the Lieutenant Governor of the Commonwealth of Kentucky. Also providing that when nominations to such office or offices are made and notices thereof sent to the Senate which it fails or refuses to confirm that a vacancy shall exist, and providing that the person whom the Senate fails or refuses to confirm shall be ineligible for appointment during a time when the Senate is not in session."

Be and the same hereby is repealed.

Whereas it is proper and necessary that the Governor be restored the full powers appertaining to the Executive Office, an emergency is declared to exist, and this Act shall take effect from and after its passage and approval.

By Senator Franklin.

S. B. 243. An Act amending Section 4706, Kentucky Statutes, Carroll's 1930 Edition.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4706, Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended so that said section as amended shall read as follows: It shall be lawful for persons or corporations holding funds in a fiduciary capacity for loan or investment, to invest the same in bonds

or other interest bearing obligations of the Government of the United States of America; bonds or State warrants and other interest bearing obligations of the State of Kentucky; securities authorized by an Act of Congress entitled, "The Federal Farm Loan Act," and approved July 17, 1916; and real estate, real estate mortgage notes, bonds and other interest bearing or dividend paying securities which would be regarded by prudent business men as safe investments; and to make loans with such securities as collateral; and a fiduciary shall account for all interest or profit received.

Where securities originally received by a fiduciary do not meet the requirements for the investment of trust funds as provided in this statute, or were securities in which trust funds have been properly invested thereafter become ineligible for investment of trust funds as provided in this statute, then such ineligible securities shall be sold at such time, and upon such terms and conditions, or shall be held or otherwise handled in such manner, as prudent business men would, under the particular circumstances, consider proper; and a fiduciary shall be responsible for otherwise acting.

All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Franklin.

S. B. 244. An Act amending Section 579, Kentucky Statutes, Carroll's 1930 Edition, relating to banks and banking, and empowering banks, trust companies and combined banks and trust companies to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts, and other public funds.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 579, Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended so that said section as amended shall read as follows: When the articles are filed and recorded as provided by law it may commence business and shall thereupon become a body corporate, and to be known by and carry on its business in its corporate name, and as such shall have power to adopt and use a corporate seal; to make contracts; sue and be sued; to appoint, remove and elect officers, define their duties, and require from any of them a bond for the faithful discharge of their duties, to prescribe, by its board of directors, by-laws for the government of the bank not inconsistent with law; to exercise, subject to law, such powers as may be necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange, and other evidences of debt, and purchasing bonds, receiving deposits, and allowing interest thereon, buying and selling exchange, coin and bullion, and lending money on personal or real security, as provided in this article. Any bank or trust company may accept for payment at a future date drafts or bills of exchange drawn upon it by its customers and issue letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents at sight or on time, not exceeding one year, and may also accept drafts or bills of exchange drawn upon it, having not more than six months' sight to run, growing out of transactions involving the importation and exportation of goods, and any bank or trust company may discount acceptances which are based upon the importation or exportation of goods and which have a maturity at time of discount of not more than three months and are indorsed by at least one other bank or trust company, but no bank or trust company shall accept such drafts or bills of exchange to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus, except by authority of the banking commissioner under such general regulations as said commissioner may prescribe and in no

event to an amount exceeding the capital stock and surplus of such bank or trust company; and such regulations shall apply to all banks or trust companies alike regardless of the amount of capital stock and surplus. In addition to the powers heretofore conferred upon and now possessed by banks, trust companies, and combined banks and trust companies doing business under the laws of this State, they are hereby authorized and empowered, subject to charter limitations to pledge such portion of their assets as may be required as collateral security for the depositor and/or deposits of public funds deposited with them, or any of them, by or under the authority of the United States, the Commonwealth of Kentucky, or any county, municipality, public school district, or other taxing district within the Commonwealth of Kentucky, or by any tax collector or other person having the legal custody or control of any such public fund or funds.

§ 2. All Acts and parts of Acts in conflict, are hereby repealed.

§ 3. On account of the financial conditions generally and of the difficulty in obtaining security and protection for the deposit of public funds, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Senator Franklin.

S. B. 245. An Act to create and establish the Banking and Securities Department of Kentucky; to provide for the appointment of officers and employees thereof; to designate the chief officer thereof as the Banking and Securities Commissioner, to provide for the rights, duties and privileges of such officers and employees, to fix their salaries, and to provide for examination of all financial institutions organized and doing business under the laws of this Commonwealth; to prevent fraud, deceit, or imposition in the sale or disposition of contracts, stocks, bonds, or written evidence of debt, certificates showing present or future interest in any prop-

erty or business enterprise or venture, or other securities sold or offered for sale within the Commonwealth of Kentucky by any person, persons, partnership, company, association, trust or corporation, foreign or domestic; authorizing the inspection of and such regulation and supervision of the business of any person, persons, firms, partnerships, companies, associations, trusts or corporations engaged in the business or any part thereof described in this Act as may be necessary to prevent fraud, deceit, or imposition in the sale or offering for sale within this Commonwealth of any contract, stocks, bonds, written evidence of debt, or of certificates showing present or future interest in any property, business enterprise or venture, or other securities mentioned in this Act; providing penalties for a violation of this Act; and repealing certain statutes and all laws in conflict herewith.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

BANKING DIVISION

§ 1. That there is hereby established a department to be designated as the Banking and Securities Department of Kentucky, which shall be charged with the enforcement of all laws heretofore passed, or which may hereafter be passed, relating to banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of making mortgage loans on real estate, and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds or its own obligation secured by such notes or bonds and combined banks and trust companies organized in doing business under the laws of the Commonwealth of Kentucky. Unless otherwise stated, the words "bank" or "banks" herein used shall include all banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of mak-

ing mortgage loans on real estate, and the selling and offering for sale to the public the evidences of such loans whether notes or bonds or its own obligations secured by such notes or bonds and combined banks and trust companies; and shall further be charged with the enforcement of all laws heretofore passed or which may hereafter be passed relating to the Kentucky Securities Department which are contained in Sections 883e-1 to 883e-36, Carroll's Kentucky Statutes, 1930 Edition, and all the duties and powers, set forth in the above named sections of the statute, are hereby imposed upon said department, as well as the duties herein.

§ 2. The chief officer of this department shall be designated as the "Banking and Securities Commissioner" of the Commonwealth of Kentucky. The Governor of Kentucky shall appoint during the month of June, 1912, and every four years thereafter a banking and securities commissioner under this Act, whose term of office shall begin the first day of July succeeding his appointment, and he shall hold office for the term of four years and until his successor is appointed and qualified. The banking and securities commissioner shall perform the duties hereinafter described. He may adopt such regulations and forms as may be necessary and proper under this Act. He shall keep his office, which shall be provided and furnished by the Commonwealth at the seat of government, and shall receive for his services the sum of three thousand and six hundred dollars ($3,600.00) per annum, payable monthly out of the State Treasury. The banking and securities commissioner and his deputies shall be allowed their necessary traveling and other expenses of conducting the office, payable on properly itemized and verified accounts filed with and approved by the auditor of the State of Kentucky.

§ 3. The banking and securities commissioner may employ competent clerks and stenographers and fix their compensation to be payable monthly out of the State Treasury, in the same manner as other officers of this department are paid, and as is hereafter provided by Section 51 hereof.

§ 4. All reports now required to be made by banks to the banking department as it now exists shall be made to the banking and securities commissioner, and the powers and duties now imposed by law upon the banking department or the banking commissioner with reference to all banks shall terminate, and said duties are hereby imposed upon the banking and securities commissioner and his department, as provided under this Act.

§ 5. The Governor of the Commonwealth shall appoint two deputy banking and securities commissioners, whose terms of office shall be for four years. Said deputies shall be authorized to perform any and all duties imposed upon the banking and securities commissioner under his direction, and shall act as commissioner in his, the banking and securities commissioner's, absence, or his inability to act. The appointment of such deputies shall be at the time as that of the banking and securities commissioner, except in case of a vacancy, when such shall be filled for the unexpired four year term by the Governor. One of said deputy banking and securities commissioners shall have charge of the security division of the department created herein. The deputy banking and securities commissioners shall each be paid an annual salary of three thousand dollars ($3,000.00) in equal monthly installments out of funds in the treasury to the credit of the banking and securities department, and shall also be allowed necessary traveling and hotel expenses, when claim for such be made as required by law and approved by the banking and securities commissioner.

§ 6. The Governor of the Commonwealth shall appoint at least eight suitable and competent persons as State bank examiners for a period of four years from the date of appointment. The appointments to fill vacancies shall be made by the Governor and for the unexpired term only. Such appointments as made by the Governor shall be made with and by the consent of the banking and securities commissioner. Each State bank examiner shall receive a salary of two thousand, four hundred dollars ($2,400.00), payable out of the treasury

from the funds placed to the credit of the banking and securities department in monthly installments, and such examiners shall be paid their necessary traveling and hotel expenses on properly itemized and verified accounts rendered to and approved by the banking and securities commissioner and on presentation to the auditor of public accounts; the bank examiners are authorized and empowered to examine building and loan associations and any and all institutions coming under the supervision of the banking branch of the banking and securities department, and the building and loan clerk and examiners are authorized and empowered to examine banks and all other institutions coming under the supervision of this department.

§ 7. No banking and securities commissioner, deputy commissioner, or State bank examiner, shall be or become indebted directly or indirectly either as borrower, endorser, surety, or guarantor, to any bank under his supervision or subject to his examination; nor shall he be a director, officer, or employee in any such bank, but no person shall be appointed to examine the affairs of any bank or trust company in any county in which he holds stock in either a State or national bank; if any officer becomes so indebted to or so interested in any such bank or shall engage or become interested in the sale of securities as a business or in the negotiation of loans for others, his office shall ipso facto become vacant. The cashier or president of any bank to which any of said officers shall become indebted shall make immediate report thereof to the Governor, who shall remove the officer so offending. Every banking and securities commissioner, deputy commissioner, and State banking examiner, shall be a resident and citizen of the Commonwealth of Kentucky, shall be a practical bookkeeper and accountant and shall have had not less than four years actual experience as officer or clerk in a banking or trust company and shall take the oath required of officers by the constitution and the laws of this Commonwealth for the faithful performance of his duties. They shall severally execute bond with good surety, to be approved by the auditor, for the faithful performance of their duties.

The bond of the banking and securities commissioner shall be in the penal sum of

The bonds of the deputy banking and securities commissioners shall be in the penal sum of

The bond of each bank examiner shall be in the penal sum of

All bonds so required to be executed shall be filed as a part of the public records in the office of the Secretary of State. The cost of all bonds required to be given under this section shall be borne and paid by the State in the same manner as other expenses of the department.

§ 8. Every bank organized and doing business under the laws of this State shall be subject to the inspection of the banking and securities commissioner. Such commissioner shall personally or by the deputy banking and securities commissioner or a State bank examiner visit each bank and examine the cash, bills, collateral, securities, other assets, books of accounts, and all other papers and books of such bank. On such examination, inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the actions of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of the laws of this State have been complied with in the administration of its affairs, and as to such other matters as the commissioner may deem necessary. Such examination shall be made of every bank at least once every year, but not to exceed twice in any one year, unless it shall appear from examination or from the report or reports of a bank that such bank has failed to comply with all the laws relating to banks, or a regulation of the banking and securities department of Kentucky.

The banking and securities commissioner, deputy bank-

ing and securities commissioner, and every State bank examiner shall have the power to administer an oath to any person whose testimony may be required in the examination of any bank; and to compel the appearance of any such person for the purpose of such examination, which shall be made in the presence of one or more of the officers of the corporation being examined. No notice of the intended examination shall be given to the bank to be examined until the examining officer is prepared to proceed immediately with the examination. No officer or employee of the banking and securities department nor the examiner conducting any examination shall impart any information obtained by him during such examination, except so far as may be necessary in the performance of his official duty as provided by law. Provided, that any bank or trust company or combined bank and trust company which shall become a member of a federal reserve bank created and organized under the Act of Congress known as the Federal Reserve Act, shall be subject to the examination required under the term of the said Federal Reserve Act, and the banking and securities commissioner may, in his discretion, accept examinations made by the federal reserve authorities in lieu of examinations made under the laws of this Commonwealth; and the banking commissioner is further authorized and directed to furnish to the federal reserve agent of the district in which such member bank may be situated, copies of reports and examinations made of such member bank.

§ 9. For the report of a bank, trust company, or combined bank and trust company, a filing fee of one dollar ($1.00) shall be paid by such institution to the banking and securities commissioner.

For each examination as is now or may hereafter be provided for by law, the institution examined shall pay to the banking and securities commissioner the following fees, to-wit:

On each bank, trust company or combined bank and

trust company having assets of not more than $300,000 a flat fee of $25.00; institutions having assets of $300,000 and not more than $600,000 a flat fee of $30.00; on each institution having assets of $600,000 and not more than $1,000,000 a flat fee of $40.00; on each institution having assets of $1,000,000 and not more than $2,000,000 a flat fee of $60.00; on each of said institutions having assets of $2,000,000 and not more than $4,000,000 a flat fee of $100; and on each of said institutions having assets of $4,000,000 or more a flat fee of $200.00.

§ 2. In addition to the flat fees as fixed in the foregoing schedule, each of said institutions shall also pay for each examination a charge of three cents (3c) on each $1,000.00 of assets or fractional part of $1,000.00 of assets, excluding bonds, mortgages, and purchase lien notes deposited as security for bonds issued, in the hands of trustees, and all assets held by any institution in a fiduciary capacity.

All moneys collected by the banking and securities commissioner for such examinations, or otherwise, shall be paid as collected into the State treasury, and then credited to an account of the banking and securities department.

§ 11. Every bank, trust company, combined bank and trust company, and any other institution coming within the purview of the banking and securities department laws, whenever required by the banking and securities commissioner, but not to exceed five times in any year, unless for cause the commissioner deem reports necessary to gain complete information, shall make a report in writing to him, verified by the oath of its president or vice-president and its secretary or cashier, or two principal officers. Such reports shall show the actual condition of the bank making the report at the close of business on any date designated by the commissioner and shall specify the following:

(1) The amount of its capital stock and the number of shares into which it is divided.

(2) The names of the directors, and the number of shares of stock held by them.

(3) The total amount of capital actually paid in, and the total amount of surplus and other reserve funds, if any.

(4) The total amount due (a) depositors, (b) all other liabilities.

(5) The total amount and character of (a) overdrafts secured, (b) overdrafts not secured, and (c) all other assets.

(6) The amount at which the lot and building occupied by the bank for the transaction of its business stands debited on its books, together with the market value of all other real estate held, and whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the books, and where situated.

(7) The amount loaned on real estate.

(8) The indebtedness or liability (a) of each officer, and (b) of each director to such bank.

(9) The amount invested in (a) bonds, and (b) stocks.

(10) The amount loaned on (a) stocks and bonds, (b) on other securities, (c) commercial paper and (d) other notes and bills.

(11) The actual amount of money on hand and on deposit in other banks, with the name of such banks where deposited.

(12) Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situated and the value of such property, and the amount so loaned, deposited, or placed, and any other information he may require relative to the conduct and affairs of such bank.

(13) Each and every officer of any bank, trust company, or combined bank and trust company, or other institutions required by law to make reports hereunder to the banking and securities commissioner, who shall swear and make oath to any such statement knowing same to be false in any part thereof, shall be guilty of false swearing, and upon conviction shall be confined in the penitentiary for not less than one nor more than five years.

§ 12. Every official report concerning a bank made by the commissioner and every report duly verified of an examination made, shall be prima facie evidence of the facts therein stated for all purposes in any action or proceedings, wherein such bank is a party; provided that such reports shall not be made public except when required in proper legal proceedings.

§ 13. Every bank shall within ten days after call made upon said institution by the State banking and securities commissioner publish a condensed statement of its financial condition, at the close of business on the date named in said call by said banking and securities commissioner, which call may be made by him at any time he desires, and he shall make at least two calls in each year. Said condensed statement made on a form to be furnished by the banking and securities commissioner, shall be published in some newspaper of general circulation, published in the city or town where its principal place of business is located, and, if no paper is published in such town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount due from banks, the total amount of checks and other cash items, the total amount of cash on hand, capital paid in, surplus fund; undivided profits, less expense and taxes paid; due to other banks; individual deposits subject to check; demand certificates of deposit; time deposits; certified checks, cashier's checks outstanding; and such other items as will show the actual financial condition of the bank making the report, and a

copy certified to by the publisher shall be sent to the banking and securities commissioner as a part of its next succeeding report.

§ 14. If the deputy banking and securities commissioner or any State bank examiner shall have knowledge of the insolvency or unsafe condition of any bank subject to an examination under this Act, or that it is unsafe, or that it is inexpedient to permit such bank to continue business, and shall neglect to forthwith report such fact in writing over his signature to the banking and securities commissioner, or shall disclose contrary to the provisions of this Act information obtained by him by virtue of his office, or shall violate any of the provisions of this Act, or fail to perform any duty herein imposed upon him, he shall forfeit his office and shall be fined for each offense not less than one hundred dollars ($100) nor more than two thousand dollars ($2,000).

If the banking and securities commissioner shall have knowledge of the insolvency or unsafe condition of any bank subject to examination or that it is unsafe or that it is inexpedient to permit such bank to continue business and shall wilfully fail to take action as provided in this Act, or shall disclose contrary to the provisions of this Act any information obtained by him by virtue of his office, or shall violate any of the provisions of this Act, or shall fail to perform any of the duties hereby imposed upon him, he shall forfeit his office, and shall be fined for each offense not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).

If any bank shall knowingly fail to make a report required by law or the banking and securities commissioner within the time designated for the making thereof, or to include therein any matter required by law or by the banking and securities commissioner, or fail to publish any report within thirty days after the time when it should have been published, or to pay when due the fees for filing reports, or for an examination of the bank, it shall be subject to a penalty

of twenty-five dollars ($25.00) for each day which it shall be delinquent for the periods respectively mentioned, the aggregate penalty, however, for such offense not to exceed two hundred and fifty dollars ($250).

Every person who, or bank which wilfully makes or transmits a false report or refuses to submit its books, papers, and assets for examination, or any officer of such bank who refuses to be examined, under oath touching the concerns of such bank, severally shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

Whenever any such officer, person or bank becomes liable to any penalty imposed by this Act and refuses to pay it, or the banking and securities commissioner, deputy banking and securities commissioner or any State bank examiner becomes liable to any penalty imposed by this Act, the attorney general shall institute a penal action against such delinquent person, bank or officer, in the name of the Commonwealth of Kentucky, in the Franklin Circuit Court, or in the circuit court of the county in which such offense is committed, for the recovery of such penalty, and all sums collected in such actions shall be paid into the State treasury.

If any bank or its officers wilfully refuse after demand by the banking and securities commission to comply with any of the provisions of this Act, the banking and securities commissioner shall have power to take charge of its property and assets as herein provided in Section 16 hereof.

§ 15. The banking and securities commissioner shall examine, or cause to be examined, such banks as may hereafter be placed in the hands of a receiver, as other banks, until its affairs shall be wound up, and a copy of such examination shall be filed with the clerk of the circuit court, in the county where such bank is located. The receiver or person in charge of such insolvent bank, shall make reports to the banking and securities commissioner in the same manner as required in the case of other banks. Any receiver of any insolvent bank

who shall fail to comply with the provision of this section, or who shall refuse to submit the affairs of such bank to an examination as provided by law, or who shall fail to comply with any of the provisions of this Act, shall be subject to the same penalties provided for solvent banks and officers so offending.

§ 16. Whenever it shall appear that the capital stock of any bank has been impaired, the banking and securities commissioner shall notify such bank and each director thereof, to make such impairment good within thirty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the banking and securities commissioner immediately to call a special meeting of its stockholders for the purpose of making assessments on its stock sufficient to cover the impairment of its capital, payable in cash: Provided, that such bank may with the consent of the commissioner reduce its capital to the extent of the impairment, if such reduction will not place its capital below the amount required by law.

§ 17. If from any examination made as provided in this Act, it shall appear that any bank is insolvent or that its capital has become impaired, and is permitted to remain impaired beyond the period allowed by law, it shall be the duty of the banking and securities commissioner in person or by his deputy or by a State bank examiner immediately to take charge of such bank and all property and effects thereof.

If an examiner shall find that any bank is pursuing a dangerous and unsafe policy, the examiner shall call the directors and officers of such institution together and advise them fully of the nature of such objectionable practices, and warn them against a repetition thereof, and shall make a full report to the banking and securities commissioner of the practices warned against, and the advice given by him, and thereupon the banking and securities commissioner, if he deem it proper, shall, in person or by written notice to each director, require an abandonment or cessation of such objec-

tionable practices or policy, and if his directions are not complied with, he may place a State bank examiner in charge of such bank, or he may adopt such other policy as may in his judgment seem wise and best calculated to bring the institution back to a safe condition. The officers, directors, or stockholders of any bank shall have the right forthwith, upon his declaring his intention of doing so, to execute to such commissioner a bond with surety or security approved by him, condition to secure the creditors of such bank, and upon the execution of such bond the banking and securities commissioner shall leave with, or restore the custody and management of such bank to the officers and directors thereof. The commissioner may, if he deem necessary, cause a petition to be filed in the circuit court of the county where such bank is located, and apply to such court or to the judge thereof when the court is not in session, for the appointment of a receiver of such bank, and thereupon such court or the judge thereof shall set a date for the hearing of the application for the appointment of a receiver, not later than twenty days from the date of such motion is made and of which notice shall be served upon the bank. Upon such hearing the parties may be heard by affidavits or upon oral examination in court or before the judge and thereupon the judge shall hear and determine the question of the appointment of such receiver, and if the court shall determine that such action or proposed action of the commissioner was justified, the court shall appoint a receiver, and shall fix the amount of the bond to be given by him.

§ 18. The banking and securities commissioner may, under his hand and official seal, appoint one or more special deputy banking and securities commissioners, as agent or agents, to assist him in the duty of liquidating and distributing the assets of any insolvent bank, the certificates of appointment to be filed in the office of the banking and securities commissioner, and a certified copy in the office of the clerk of the circuit court in the county in which the office of such insolvent bank is located.

The banking and securities commissioner may, from time

to time, authorize a special deputy commissioner to perform such duties connected with the liquidation and distribution, as the banking and securities commissioner may deem proper. The banking and securities commissioner may employ such counsel, and procure such expert assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank, and may retain such officers or employees of such bank as he may deem necessary. He shall require from a special deputy commissioner such surety for the faithful discharge of his duties as he may deem proper; provided, however, it shall not be for a less sum than one-half the assets of the bank.

Whenever, under the provisions of this Act, the banking and securities commissioner, in person or by a deputy or by a State bank examiner, shall take charge of any bank, or the court shall appoint a receiver as in this Act is provided, such person shall be allowed for his services not exceeding the sum of two dollars per hour for not exceeding ten hours per day for the time actually engaged by him in labor in the liquidation of the bank. If such person be a special deputy, appointed by the commissioner, or a receiver, appointed by the court such allowance shall be paid to him as his compensation, and if such person shall be the banking and securities commissioner or his deputy or a State bank examiner, the amount so allowed as compensation shall be paid into the State treasury; and the commissioner shall fix the compensation of the counsel and any special assistants subject to review by the court, and all such expenses shall be paid out of the bank so liquidated.

Whenever the banking and securities commissioner, in person, or by deputy or by State bank examiner, shall take charge of any bank under the provisions of this Act, he shall, within thirty days thereafter, file in the office of the clerk of the circuit court of the county in which the bank is located, a detailed statement in the form prescribed in Section 10 of this Act, of the assets and liabilities of such bank, and thereafter upon the first day of the term of each succeeding session

of the circuit court of such county and every sixty days in counties having circuit courts of continuous sessions, he shall file a report of his acts and doings in the administration of such bank since his last report; and any person, firm or corporation may, by petition addressed to the circuit court, have any act of such commissioner reviewed by the court, in the same manner and with the same rights and powers as would have attached had such commissioner been a receiver appointed by the court.

The banking and securities commissioner shall cause notice to be given by advertisement in such newspapers as such bank's semi-annual reports are published, weekly, for three consecutive months, calling on all persons who may have claims against such insolvent bank to present the same to the banking and securities commissioner, and make legal proof thereof, at a place and within a time not more than six months after the last date of publication, to be therein specified. He shall mail a copy of such notice to all persons whose names appear as creditors upon the books of such bank. If the commissioner doubts the justice and validity of any claim, he may reject the same and serve written notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the banking and securities commissioner. An action upon a claim so rejected must be brought within six months after such notice. Claims presented after the notification of the time fixed in the notice to creditors, shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the banking and securities commissioner, equitably applicable thereto.

The assets of any bank in liquidation under this Act shall be applied (a) to the payments of costs and charges of liquidation, and preferred claims; (b) to satisfaction of secured claims to the extent of such security; (c) to the satisfaction of all other debts, including unsatisfied balances of secured claims, ratably and without preference to the amount allowed at the time of distribution, and (d) the residue, after all

liabilities are paid shall be distributed for the benefit of the stockholders ratably, or may, on their request, be turned over to them or their agent for settlement.

§ 19. Any bank organized under the laws of this State and subject to the provisions of this Act, may place its affairs and assets under the control of the banking and securities commissioner, by posting a notice on the front door, as follows: "This bank is in the hands of the banking and securities commissioner." The notice must be signed by a majority of the directors in their own handwriting, and they shall forthwith notify the banking and securities commissioner, by telegraph, of such act. The posting of such notice, or the taking charge of any such bank by the banking and securities commissioner, shall be sufficient to place all its assets and property, of whatever nature, in the possession of the banking and securities commissioner.

§ 20. The banking and securities commissioner shall keep in his office, in a place accessible to the general public, a bulletin board upon which he shall cause to be posted at noon on Friday of each week, a detailed statement, signed by him, or in case of his absence from Frankfort, or inability to act, by the deputy banking and securities commissioner in charge, giving the following information with regard to the work of the department since the preceding statement:

(1) The name of every bank that has filed in the banking and securities department an application for authorization to commence business, its location, the proposed amount of capital stock and names of incorporators, and the date of filing each application.

(2) Name and location of every bank authorized by the banking and securities commissioner to commence business, its capital, surplus, and the date of authorization.

(3) The name of every bank to which a certificate of authorization has been refused by the banking and securities commissioner, and the date of notice of refusal.

(4) The date on which a call for reports by banks was issued by the banking and securities commissioner, and the date designated as the date with reference to which such reports should be made.

(5) The name and location of every liquidated bank whose creditors or depositors have been paid in full by the banking and securities commissioner, and a meeting of whose stockholders shall have been called together with the date of notice of the meeting and the date of the meeting.

(6) The name and location of every bank subject to the banking law whose affairs and business shall have been fully liquidated or are in course of liquidation.

(7) The name and location of every bank which has applied for approval of a change of name, and the name proposed.

Every such bulletin having been posted as aforesaid for one week, shall be placed on the file for such statements, to be kept in the office of the banking and securities commissioner. Such statements shall be public documents, and at all reasonable times shall be open to public inspection during the usual office hours.

§ 21. Before filing the articles of incorporation of any proposed bank, trust company or combined bank and trust company in the office of the county clerk in the county in which the bank is to be located and do business, and with the Secretary of State, as is required by law, the incorporators shall present a copy of their proposed articles of incorporation to the banking and securities commissioner for his approval or disapproval, and when such articles are approved in writing by the banking and securities commissioner, the incorporators may then proceed to the filing, and having same recorded. Upon presentation of said articles of incorporation to the commissioner he shall carefully examine same, and shall make diligent inquiry and investigation as to the finan-

cial standing and moral character and capability of each of the incorporators and shall require each incorporator to furnish satisfactory proof that each is worth at least double the amount of the par value of his stock subscription, above all exemptions, obligations and liabilities. If such articles be approved, then the county clerk and the Secretary of State, repectively, may receive said articles for filing and recording. Upon the filing and recording of said articles, and fully complying with all laws relating to the organization of the banks or trust companies or combined banks and trust companies, and such general corporation laws as are applicable, said institutions shall be deemed organized for the purpose set out in its articles of incorporation, but before such bank or trust company, or combined bank and trust companies shall transact any banking or trust business, it shall file with the commissioner a written oath which shall be taken by each and every officer of the bank, trust company, or combined bank and trust company, directors, and the cashier, if he be a director, which oath shall be in substance to the effect that such officer is then a citizen of the United States, and the Commonwealth of Kentucky; unless he be a non-resident, then place of residence must be stated; that he will well and truly discharge the duties of his office, and honestly and efficiently administer the affairs of the institution, so far as the duties of his office require; that he will uphold the laws of the Commonwealth, and particularly the banking laws; that he is the owner in good faith and in his own right of five shares, unhypothecated or pledged on a debt of the capital stock of the corporation of which he is such officer; said oath shall be taken before any officer empowered by law to administer same, and the same oath shall be taken upon the election of any officer to office in any banking and trust institution, and such original and subsequent oaths shall be transmitted to the banking and securities commissioner immediately upon its execution, and shall be by the commissioner filed and preserved.

Upon the filing of such oath, if the banking and securities commissioner be then satisfied that all requisite laws have been complied with, he shall issue to the institution a certifi-

cate which will entitle it to at once transact the business for which it was organized, setting out therein that it had subscribed and paid in the required capital and otherwise fully complied with all pertinent laws and regulations.

§ 22. The banking and securities commissioner shall report during the month of June of each year to the Governor, and such report shall be published. It shall set forth the following:

(1) A summary of the condition of every bank organized and doing business under the laws of this State, subject to examination and inspection under this Act, and such other information relating to such banks, as, in his judgment, may be useful.

(2) A statement of every bank whose business has been closed during the year, that has failed or voluntarily retired during the year.

(3) The name of banks placed in his hands in process of liquidation, and the amount of dividends paid thereon.

(4) Any proposed amendment of the laws relating to banks, by which the system, in his judgment, may be improved, and the security of creditors, depositors, and stockholders may be increased.

(5) The names and compensation of his assistants and clerks employed in his office, and a classified statement of the amount of the receipts and expenses of the banking and securities department during the year.

§ 23. The banking and securities commissioner shall devise a seal, with suitable inscription for the department, a description of which, with a certificate of approval by the governor, together with an impression thereof, shall be filed in the office of the secretary of State, and which seal shall thereupon be and become the seal of the banking and securi-

ties department, and same may be renewed whenever necessary.

Securities Division.

§ 24. Definitions. When used in this act the following terms shall, unless the text otherwise indicates, have the following respective meanings:

(1) "Security" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining lease, collateral trust certificate, pre-organization certificate, pre-organization subscription, any share, investment contract or beneficial interest in or title to property, profits or earnings or any other instrument commonly known as a security.

(2) "Person" shall include a natural person, a corporation created under the laws of this or any other State, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term "trust" shall be deemed to include a common law trust, but shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(3) "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular, letter, advertisement or otherwise.

(4) "Dealer" shall include every person other than a salesman who in this State engages either for all or part of his time directly or through an agent in the business of selling any securities whether exempt or not exempt issued by another person or purchasing or otherwise acquiring such securities from another for the purpose of reselling them or offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in securities as agent or principal for a commission or at a profit, or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or sales or pretended purchases or sales of such securities provided that the word "dealer" shall not include a person having no place of business in this State who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business. Provided that banks and trust companies that in the ordinary course of their business purchase and sell notes that are secured by a first lien on real property situated in Kentucky, the total value of which notes do not exceed 70 per cent of the fair and reasonable value of the property on which they are a lien and do not exceed twenty-five thousand dollars, shall not be dealers within the meaning of this section or act.

(5) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any natural person who acts as a promoter for and on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(6) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer, or issued to sell securities in any manner in this State. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be salesmen within the meaning of this definition.

(7) "Agent" shall mean salesman as hereinabove defined.

(8) "Commissioner" shall mean the banking and securities commissioner.

§ 25. Exempt Securities. Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or insular possession thereof, or by the District of Columbia or by any State or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any State, province or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued or payment thereof guaranteed by a national bank or by any federal land bank or joint stock land bank or national farm loan association under the provisions of the Federal Farm Loan Act of July 17, 1916, or by the War Finance Corporation or by any corporation created or acting as an instrumentality of the government of the United States pursuant to authority granted by the Congress of the United States; provided, that such corporation is subject to supervision or regulation by the government of the United States.

(d) Any security issued or guaranteed as to principal and interest or dividend by a corporation owning or operating a railroad or any other public service utility; provided, that such corporation is subject to regulation or supervision as to its rates and charge or as to the issue of its own securities and those guaranteed by it by a public commission, board or officer of the government of the United States, or of any State, territory or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof; also equipment

notes or bonds based on chattel mortgages, leases or agreements for conditional sale of cars, motive power or other rolling stock mortgaged, leased or sold to or furnished for the use of or upon a railroad or other public service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or of any State, or of the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds or notes; also bonds, notes or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described; provided, that the collateral securities equal in fair value at least 125 per centum of the par value of the bonds, notes or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities appearing in any list of securities dealt in on the New York Stock Exchange or any other recognized and responsible stock exchange which has been previously approved by the commissioner and which securities have been so listed pursuant to official authorization by such exchange and also all securities senior to any securities so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect; provided, the commissioner may at any time for cause withdraw the exemption allowed by this section from any security dealt in on any stock exchange herein mentioned or referred to.

(g) Any security a direct obligation of or payment thereof guaranteed by a State bank, trust company, title company, real estate mortgage company engaged in the business

of making mortgage loans on real estate and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds, or its own obligations secured by such notes or bonds, or savings institution incorporated under the laws of this or any State and subject to the examination, supervision and control of this or any State or territory of the United States or of any insular possession thereof.

(h) Negotiable promissory notes or commercial paper; provided, that such issue of notes or commercial paper mature in not more than (12) twelve months from the date of issue and shall be issued within (3) three months after the date of sale.

(i) Fifty (50) per cent of the capital stock first issued by a corporation organized under the laws of this State for the purpose of doing business in this State, to enable it to transact business under section 543 of the Kentucky Statutes where no expense in excess of one per cent of the proceeds from the sale of its capital stock so issued is incurred, and no commission, compensation or remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly or indirectly in payments for patents, services, goodwill, trade marks, leases, copyrights, processes, formulae, or other intangible assets. The president and secretary of the corporation shall, prior to such disposal, file with the commissioner a written verified statement setting forth the existence of the above facts, and that the corporation is formed for the purpose of doing business in this State.

§ 26. Exempt Transactions. Except as hereinafter expressly provided the provisions of this act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's, or other fiduciary's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mort-

gagee selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the provisions of this act, to liquidate a bona fide debt, a security pledge in good faith as security for such debt.

(c) An isolated transaction in which any security is bought, sold, offered for sale, subscription or delivery by the owner thereof, or by his representative for the owner's account, such purchase, sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation actively engaged in the business authorized by its charter of capital stock, bonds or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earnings or surplus; or the issue of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors, or the issue of increased capital stock of a corporation sold or distributed by it directly or through an agent entirely among its own stockholders, or their assigns, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer or delivery to any bank, savings institution, trust company, insurance company or to any corporation where the transaction is in good faith and for its own account in the ordinary conduct of its business or to any dealer; provided, that such dealer is actually engaged in buying and selling securities as a business; and provided that such dealer must qualify such securities before selling or offering them for sale to the public.

(f) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgage upon real estate so long as the entire mortgage together with all of the bonds or notes secured thereby are sold to a single purchaser at a single sale.

(h) Any security other than common stock outstanding and in the hands of the public for a period of not less than 18 months upon which no default in payment of principal, interest or dividends exists, and upon which no such default has occurred for a continuous immediately preceding period of five years.

(i) The sale or distribution of any security described in subdivision (d) of section twenty-five hereof by any corporation owning or operating a railroad or any other public service utility or by any of its subsidiary corporations through employes of any such corporation or through the employee of any of its subsidiary corporations.

§ 27. Registration of Securities. No securities except of a class exempt under the provisions of section twenty-five hereof or unless sold in a transaction exempt under the provisions of section twenty-six or heretofore registered hereof shall be sold within this State unless such securities shall have been registered by notification or by qualification as hereinafter defined. A record of the registration of securities shall be kept in a register of securities to be kept in the office of the commissioner, in which register of securities shall also be recorded any orders entered by the commissioner with respect to the securities registered therein shall be open to public inspection.

§ 28. Registration by Notification. The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(1) Securities issued by a corporation, partnership, association, company, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years or which is a consolidation or merger of a property, business or industry which has been in continuous operation for not less than three years, and which has shown during a period of not less than two years or more than ten years next prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(a) In the case of interest bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest bearing obligations of equal rank.

(b) In the case of preferred stock, not less than one and one-half times the annual dividend requirements on such preferred stock and on all other outstanding stock of equal or senior rank.

(c) In the case of common stock, not less than six per centum upon all outstanding common stock of equal or senior rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

(2) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by said mortgage during the term of the lease where the lease is irrevocable and is pledged under the mortgage securing said bonds or notes.

(3) Any bond or note secured by a first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas or mining property

or leases), or upon city, town or village estate or leaseholds situated in any State or territory of the United States or in the District of Columbia or in the Dominion of Canada as follows:

(a) When the mortgage is a first mortgage upon such agricultural lands, used and valuable principally for agricultural purposes, and when the aggregate face value of such bonds or notes not including interest notes or coupons, secured thereby does not exceed 70 per centum of the then fair market value of said lands without improvements, plus 70 per centum of the insured value of any improvements thereon; or

(b) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such real estate or leaseholds, does not exceed 60 per centum of the then fair market value of said mortgaged real estate or leaseholds, respectively, including any improvement appurtenant thereto, and when said mortgaged property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; or

(c) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage, and when reasonably adequate provision has been made for financing the full completion of said building free and clear of any lien superior to said mortgage, and when the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed 70 per centum of the fair market value of such mortgaged property, including the building or buildings to be erected thereon as aforesaid, and when said

mortgaged property will have a net annual income, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; provided, that all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type upon the face thereof a legend stating that said bonds are construction bonds or notes and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

The provisions of this subsection (3) shall not apply in the case of bonds or notes secured wholly or partly by first mortgage on leaseholds, the value of which leaseholds is required to meet the ratio of property value to face value of obligation above in clauses (b) and (c) provided, unless all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor, and said bonds and notes shall bear in bold type not less than 18 point upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

When used in this subsection (3) the term "mortgage" shall be deemed to include a deed of trust to secure a debt.

§ 29. Registration by Notification. Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the commissioner of a statement with with respect to such securities containing the following:

(a) Name of issuer.

(b) A brief description of the security including amount of the issue.

(c) Amount of securities to be offered in the State.

(d) A brief statement of the facts which show that the security falls within one of the classes in this section defined.

(e) The price at which the securities are to be offered for sale.

In the case of securities falling within the class defined by subsections (1) or (2), if the circular to be used for the public offering is not filed with the statement, then a copy of such circular shall be filed in the office of the commissioner within five days thereafter or within such further time as the commissioner shall allow.

In the case of securities falling within the class defined by subsection (3), the circular to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the commissioner and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration, such securities may be sold in this State by any registered dealer giving notice in the manner hereinafter provided in section thirty-four, subject, however, to the further order of the commissioner as hereinafter provided.

If, at any time in the opinion of the commissioner, the information contained in the statement or circular filed is misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud or imposition the commissioner may require from the person filing such statement such further information as may in his judgment be necessary to establish the classification of such security as claimed in said statement or to enable the commissioner to ascertain whether the sale of such security would be fraudulent or deceitful, or would result in fraud, or imposition and the commissioner may also suspend the right to sell such security pending further investigation by entering an order specifying the grounds for such action, and by notifying personally by mail, telephone or telegraph the per-

son filing such statement and every registered dealer who shall have notified the commissioner of an intention to sell such security. The refusal to furnish information required by the commissioner within a reasonable time to be fixed by the commissioner may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until further order of the commissioner.

In the event of the entry of such order of suspension the commissioner shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of twenty (20) days from the entry of such order or if upon such hearing the commissioner shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof would be fraudulent or deceitful, or would result in fraud or imposition he shall enter a final order prohibiting sales of such security, with his findings with respect thereto, provided that if the finding with respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration by qualification by complying with the requirements of section thirty. Appeals from such final order may be taken as hereinafter provided. If however, upon such hearing, the commissioner shall find that the security is entitled to registration under this section, and that its sale will neither be fraudulent or deceitful nor result in fraud or imposition, he shall forthwith enter an order revoking such order of suspension and such security shall be restored to its status as a security registered under this section, as of the date of such order of suspension.

At the time of filing the statement, as hereinbefore prescribed in this section, the applicant shall pay to the commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this State for which the applicant is seeking registration, but in no case shall such fee be less than $10.00 or more than one hundred dollars. In the case of stock having no par value, the price at which such

stock is to be offered to the public shall be deemed to be the par value of such stock.

§ 30. Registration by Qualification. All securities required by this act to be registered before being sold in this State, and not entitled to registration by notification, shall be registered only by qualification in the manner provided by this section.

The commission shall receive and act upon applications to have securities registered by qualification, and may prescribe forms on which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed and sworn to by the applicant, and filed in the office of the commissioner and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell the same within this State.

The commissioner shall require the applicant to submit to the commissioner the following information respecting the issuer and such other information as he may in his judgment deem necessary to enable him to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The names and addresses of the directors, trustees and officers, if the issuer be a corporation or association or trust organized or existing under the common law (as hereinbefore defined) of all partners, if the issuer be a partnership, and of the issuer, if the issuer be an individual.

(b) The location of issuer's principal business office and of its principal office in this State, if any.

(c) The purpose of incorporation (if incorporated) and the general character of business actually to be transacted by the issuer, and the purpose of the proposed issue.

(d) A statement of capitalization of the issuer; a balance sheet showing the amount and general character of its

assets and liabilities on a day not more than sixty (60) days prior to the date of filing such balance sheet; a detailed statement of the plan upon which the issuer proposes to transact business; a copy of the security for the registration of which application is made; and a copy of all circulars, prospectuses, advertisements or other descriptions of such securities then prepared by or for such issuer and or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in this State.

(e) A statement of the amount of the issuer's income, expenses and fixed charges during the last past five years, or if in actual business less than five years then for such time as the issuer has been in actual business.

(f) A statement showing the price at which such security is proposed to be sold, together with the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(g) A detailed statement showing the items of cash, property, services, patents, good will and any other consideration for which such securities have been or are to be issued in payment, and the commissioner may fix the amount of stocks, bonds or other securities that may be issued by any corporation, foreign or domestic, in payments for property, patents, good will, promotion and intangible assets at a value he should find same to be worth.

(h) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(i) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not already on file in the office of secretary of this State. If the issuer is a trustee there shall be filed with the application a

copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint stock company, or any other form of organization whatsoever, there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization, if not already on file in the office of the secretary of State of this State.

All of the statements, exhibits and documents of every kind required by the commissioner under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the commissioner.

With respect to securities required to be registered by qualification under the provisions of this section, the commissioner may by order duly recorded fix at not exceeding (20) twenty per cent the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

At the time of filing the information, as hereinbefore prescribed in this section, the applicant shall pay to the commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this State, for which the applicant is seeking registration, but in no case shall such fee be less than twenty-five nor more than two hundred dollars. In case of stock having no par value the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

If upon examination of any application the commissioner shall find that the sale of security referred to therein would not be fraudulent or deceitful or would not work or tend to work a fraud or imposition upon the purchaser, or that the enterprise or business of the issuer is not based upon unsound business principles, then upon the payment of the fee pro-

vided in this section, he shall record the registration of such security in the Register of Securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the commissioner of his intention so to do, in the manner hereinafter provided in section 10, subject, however, to the further order of the commissioner as hereinafter provided.

§ 31. In every note or bond secured by a mortgage or deed of trust that is issued or sold or offered for sale under section twenty-five, twenty-six, twenty-eight, twenty-nine, and thirty of this act there shall be printed in bold, black face type not less than 18 point, in a conspicuous place on the face thereof the words, "This note or bond is secured by a first or second or third mortgage or deed of trust" as the case may be, and it shall be unlawful to issue, sell or offer to sell any bond or note secured by mortgage or deed of trust without this legend appearing on the face thereof.

§ 32. Consent to Service. Upon any application for registration by notification under section twenty-eight made by an issuer, and upon any application for registration by qualification under section thirty, whether made by an issuer or registered dealer, where the issuer is not domiciled in this State, there shall be filed with such application the irrevocable written consent of the issuer that suits and actions, growing out of the violation of any provision or provisions of this act, may be commenced against it in the proper court of any county in this State in which the plaintiff may reside, or in which the contract was made, by the service of any process or pleading authorized by the laws of this State, on the Banking and Securities Commission, said consent stipulating and agreeing that such service of such process or pleadings on such commissioner shall be taken and held in all courts to be as valid and binding as if due service had been made upon the issuer himself, and said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the copartnership or company, or by the acknowledged signature of any officer of the incorporated or unincorporated association, if it be an in-

corporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the commissioner, it shall be by duplicate copies, one of which shall be filed in the office of the commissioner and another immediately forwarded by registered mail to the principal office of the issuer to an address which once filed shall be conclusively considered the permanent address of the issuer until the commissioner has been notified officially of a new one, against which said process or pleading are directed.

§ 33. Revocation of Registration of Securities. The commissioner may revoke the registration of any security by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of the issuer of such security it shall appear that the issuer:

(1) Is insolvent; or

(2) Has violated any of the provisions of this act or any order of the commissioner of which such issuer has notice; or

(3) Has been engaged or is about to engage in fraudulent or deceitful transactions; or transactions that would work an imposition on another party; or

(4) Is in any other way dishonest or has made any false or fraudulent or deceitful representations in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities; or

(5) Is of bad business repute; or

(6) Does not conduct its business in accordance with law; or

(7) That its affairs are in an unsound condition; or

(8) That the enterprise or business of the issuer is not based upon sound business principles.

In making such examination the commissioner shall have access to and may compel the production of all the books and papers of such issuer, and he or his deputy may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs and may also require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either of this State or of any other State where the issuer's business is located, approved by the commissioner.

Whenever the commissioner may deem it necessary, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as the commissioner shall point out or to be brought down to the latest practicable date.

If any issuer shall refuse to permit an examination to be made by the commissioner, it shall be proper ground for cancellation of registration.

If the commissioner shall deem it necessary he may enter an order suspending the right to sell securities pending any investigation; provided, that the order shall state the commissioner's grounds for taking such action.

Notice of the entry of such order shall be given personally or by telephone, telegraph or mail to the issuer and every registered dealer who shall have notified the commissioner of an intention to sell such security.

§ 34. Registration of Dealers and Salesmen. No dealer or salesman shall engage in business in this State as such dealer or salesman or sell any securities including securities exempted in section twenty-five of this act, except in trans-

actions exempt under section twenty-six of this act, unless he has been registered as a dealer or salesman in the office of the commissioner pursuant to the provisions of this section.

Every dealer before engaging in business in this State shall file in the office of the commissioner an application for registration in writing in such form as the commissioner may prescribe, duly verified by oath, which shall state the principal office of the applicant, wherever situated, and the location of the principal office and all branch offices in this State, if any, the name or style of doing business, the names, residence and business address of all persons interested in the business as principals, copartners, officers and directors, specifying as to each his capacity and title, the general plan and character of business and length of time the dealer has been engaged in business. The commissioner may also require such additional information as to applicant's previous history, record and association as he may deem necessary to establish the good repute in business of the applicant.

Every dealer shall file with his application an irrevocable written consent to the service of process upon the Banking and Securities Commissioner in actions against such dealer in manner and form as hereinabove provided in section thirty-two.

Every dealer shall also file with his application a bond in the sum of five thousand dollars ($5,000) running to the Commonwealth of Kentucky in such form as the commissioner may designate, such bond to be conditioned upon the faithful compliance with the provisions of this act by said dealer and by all salesmen registered by him. Such bond shall be executed as surety by a surety company having a net worth of not less than $1,000,000 and authorized to do business in this State. Provided, however, that upon the bond required of any bank, trust company, real estate mortgage company or title company organized and doing business under the laws of this State or any national bank situated therein, its capital stock shall be taken and considered as the only security re-

quired for the faithful performance of its duties. If the commissioner shall find that the applicant is of good repute and has complied with the provisions of this section, including the payment of the fee hereinafter provided, he shall register such applicant as a dealer. Provided that banks, trust companies and mortgage or other companies that may become dealers under this act may, when required to execute as dealers the bond required therein, execute said bond without surety, when by action of the board of directors the capital stock is authorized to be pledged as surety and the capital stock of banks, trust and mortgage companies is hereby authorized to be so pledged; and when so pledged no other surety shall be required.

Upon the written application of a registered dealer and general satisfactory showing as to good character and the payment of the proper fee the commissioner shall register as salesman of such dealer such natural persons as the dealer may request. No dealer or salesman shall sell or offer to sell any security the sale of which has not been authorized by the commissioner and the commissioner shall deliver to each dealer and salesman a license prepared and printed in such form as he shall prescribe.

The names and addresses of all persons approved for registrations as dealers or salesmen and all orders with respect thereto shall be recorded in a Register of Dealers and Salesmen, kept in the office of the commissioner, which shall be open to public inspection. Every registration under this section shall expire on the 31st day of December in each year, but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically required by the commissioner. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of the ensuing year, otherwise they shall be treated as original applications. The fee for such registration shall be $50.00 and for each annual renewal shall

be $25.00 in the case of dealers and $5.00 in the case of salesmen, for registration and $5.00 each annual renewal.

Changes in registration occasioned by changes in the personnel or a partnership or in the principals, copartners, officers, directors, of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the commissioner in writing of his intention so to do. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale, and whenever a dealer shall have prepared such notice and shall have forwarded the same by registered mail, postage prepaid and properly addressed to the commissioner, such dealer, as to the contents of such notice and filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of security required to be registered under the provisions of this act, selling such securities except in exempt transactions as defined in section twenty-six hereof, shall be deemed a dealer within the meaning of this section thirty-four and required to comply with the provisions hereof.

§ 35. Revocation of Dealers' and Salesmen's Licenses. Registration under section thirty-four may be refused or any registration granted may be canceled by the commissioner if after reasonable notice and a hearing the commissioner determines that such applicant or registrant so registered:

(1) Has violated any of the provisions of this act or any regulation made hereunder; or

(2) Has made a material false statement in the application for registration; or

(3) Has been guilty of a fraudulent or deceitful act in connection with any sale of securities, or has been or is en-

gaged or is about to engage in making fictitious or pretended sales or purchases of any of such securities or has been or is engaged or is about to engage in any practice or sale of securities which is fraudulent or deceitful or would work an imposition on the purchaser, or be in violation of the law; or

(4) Is of bad business repute or has demonstrated his unworthiness to transact the business of dealer or salesman.

Pending the hearing the commissioner shall have the power to order the suspension of such dealer's or salesman's license; provided, such order shall state the cause for such suspension.

In the event the commissioner determines to refuse or cancel a registration as hereinabove provided he shall enter a final order herein with his findings on the Register of Dealers and Salesmen, and shall notify the applicant or licensee of his final order by registered mail.

It shall be sufficient cause for refusal or cancellation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or cancelling the registration of an individual dealer or salesman.

§ 36. Burden of Proof. It will not be necessary to negative any of the exemptions or classifications in this act provided in any complaint, action, information, indictment or any other writ or proceedings laid or brought under this act the burden of proof of any such exemption shall be upon the party claiming the benefit of such exemption or classification.

§ 37. Laws That This Act Shall Not Affect. Nothing in this act shall be construed to relieve corporations from making reports now or hereafter required by law to be made to the secretary of State or any other State officer or paying the

fees now or hereafter to be paid by corporations. This act shall not be construed to repeal any law now in force regulating the organization of corporations in this State or the admission of any foreign corporation; but the provisions of this act shall be construed to be additional to any provisions regulating the organization of a corporation under the laws of this State or the admission of a foreign corporation to do business in this State.

§ 38. Certificate of Commissioner—Admissibility in Evidence. In any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act a certificate duly signed by the commissioner or the deputy showing compliance or noncompliance with the provisions of this act respecting the security in question or respecting compliance or noncompliance with the provisions of this act by any issuer, dealer or agent or salesman shall constitute prima facie evidence of such compliance or such noncompliance with the provisions of this act, as the case may be, and shall also be admissible in evidence in any action at law or in equity to enforce the provisions of this act.

§ 39. Certified Copies of Statements and Documents—Admissibility. Copies of any statement and documents filed in the office of the commissioner and of any records of the commissioner certified to by the commissioner or his deputy shall be admissible in any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act to the same effect as the original of such statement, document or record would be if actually produced.

§ 40. Escrow Agreement. If the statement containing information as to securities, as provided for in section thirty of this act, shall disclose that any such securities shall have been or shall be intended to be issued for any patent right, copyright, trademark, process, lease, formulae or good will, or for promotion fees or expenses or for other intangible assets, the amount and nature thereof shall be fully set forth and the commissioner may require that such securities so

issued in payment of such patent right, copyright, trade mark, process, lease, formulae or good will, or for promotion fees or expenses, or for other intangible assets shall be delivered in escrow to the commissioner under an escrow agreement that the owners of such securities shall not be entitled to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid for two years a dividend or dividends aggregating not less than six per cent, shown to the satisfaction of said commissioner to have been actually earned on the investment in any common stock so held, and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

§ 41. Fraudulent or Deceitful Sales—Impositions. Whenever it shall appear to the commissioner, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement or distribution of any securities within this State, including any security exempted under the provisions of section twenty-five, or in any transaction exempted under the provisions of section twenty-six, any person, as defined in this act, or person acting for him shall have employed, or employs, or is about to employ any device, scheme or artifice to defraud, deceive or work an imposition or for obtaining money or property by means of any false pretense, representation or promise, or that any such person shall have made, makes or attempts to make in this State fictitious or pretended purchases or sales of securities or shall have engaged in or engages in or is about to engage in any practice or course of business relating to the purchase or sale of securities which is fraudulent or deceitful or would work an imposition or be in violation of law and which has operated or which would operate as a fraud or imposition upon the purchaser, any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business which are hereby declared to be and are hereinafter referred to as fraudulent or deceitful practices, or practices that would work

an imposition, the commissioner shall investigate, and whenever he shall believe from evidence satisfactory to him that any such person has engaged in, is engaged or about to engage in any of the practices or transactions heretofore referred to as and declared to be fraudulent or deceitful or that would work an imposition, he shall in addition to any other remedies bring an action through the attorney general in the Franklin circuit court or through the Commonwealth or county attorney in any county where the transactions or practices have been or are about to be engaged in, in the name and on behalf of the Commonwealth of Kentucky against such person and any other person or persons concerned in or in any way participating in or about to participate in such transactions or practices to enjoin such person, and such other person or persons from continuing such transactions or practices or engaging therein or doing any act or acts in furtherance thereof. In said action a judgment may be entered awarding such injunction as may be proper.

§ 42. Remedies. Every sale or contract for the sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser and the person making such sale or contract for sale and every director, officer or agent of or for such seller who shall have participated or aided in any way in making such sale shall be jointly and severally liable to such purchaser in any action at law in any court of competent jurisdiction in the county where the contract was made or in which the plaintiff resides, upon tender to the seller of the securities sold or of the contract made for the full amount paid by such purchaser.

Provided, that no action shall be brought for the recovery of the purchase price, after two years from the date of such sale or contract for sale; and provided, further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within a reasonable time to accept the voluntary offer of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest or such amount

for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed:

(a) In case such securities consist of interest bearing obligations at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest bearing obligations at the rate of six per centum per annum; less, in every case, the amount of any income from said securities that may have been received by such purchaser.

§ 43. Appeals. An appeal may be taken by any person interested and affected thereby from any final order of the commissioner to the Franklin circuit court by serving upon the commissioner within twenty days after the date of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in his office affecting or relating to such order. He shall also as hereinafter directed execute a bond in the penal sum of five hundred dollars to the Commonwealth of Kentucky with sufficient surety, to be approved by the clerk of the court conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all costs that shall be adjudged against the applicant. Thereupon the commissioner shall within ten days make, certify and deliver to the appellant upon the payment of the fee therefor such a transcript; and the appellant shall within five days thereafter execute the appeal bond and file the record and a copy of the notice of appeal with the clerk of the said court, which said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be entered on the trial calendar of said court for trial. The court shall only hear and consider such documentary and other evidence as was heard and considered by the commissioner and that is contained in the transcript upon which the appeal is taken. If the order of the commissioner shall be reversed said court shall by its judgment specifically direct said commissioner

as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations or restrictions to be therein contained, provided that the commissioner shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after thirty days from filing a new application, provided such application is not otherwise barred or limited. Such appeal from the finding of the commissioner shall not in any wise suspend the operation of the order appealed from during the pendency of such appeal unless so ordered by the court. An appeal may be taken from the judgment of said circuit court on any such appeal to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions. Each and every final ruling of said commissioner in the granting or refusing to grant a license or permit to transact business in this State, as well as the suspension or revoking of any such license or permit theretofore granted or issued, or the refusal of said commissioner to make investigation as to revoke any such license or permit on complaint as herein provided, shall be subject to review in a suit or other proper proceeding in the Franklin circuit court by any person, firm or corporation feeling aggrieved, and an appeal shall be granted by said circuit court to the Court of Appeals from any judgment it may render on motion of the losing party and in the same manner other appeals are prosecuted in similar cases.

§ 44. Powers of Commissioner—Rules and Regulations. The commissioner shall prescribe the forms of application and the forms of all other blanks, documents and records to be used and kept in connection with the administration hereof and in addition shall establish and promulgate such rules and regulations concerning the procedure and practice of applicants appearing before him as in his discretion may seem expedient and essential to the satisfactory enforcement and administration of this law.

§ 45. Power to Examine and Administer Oaths—Ex-

penses. The commissioner may within his discretion when and as soon as may be after an application has been filed with the department make a careful inspection and examination of and concerning the application, the personnel of the applicant issuing person, its books, records, files, accouts, affairs and properties owned in fee or controlled or covered by leases, options, or other forms of contract, wherever same or any part of same may be found, situated or located, and of such other matters as the commissioner may deem necessary. The expense of making such inspection and examination shall be borne by the applicant, who when requested by the commissioner shall make a cash deposit with the commissioner sufficient to pay the expert inspector or accountant $25.00 per day and his actual expenses and this right of examination and inspection shall be inherent and continuing in the commissioner and may be exercised from time to time by him as deemed necessary within his discretion.

§ 46. Examination Upon Complaint—When and How Made—Expense. Should it at any time upon information, complaint or otherwise, appear to the commissioner that any of the terms, provisions or purposes of any order, permit, certificate or license theretofore applied for and granted to any person by him, has been or is being violated, and without regard to the time expired since the original granting of said order, permit, certificate or license, he shall within his discretion have the inherent and continuing right, privilege and authority to require, make or conduct, at the expense of the person examined, inspected or investigated, at any and all times and at any and all places, any and all such examinations, inspections or investigations in and of the business, affairs, accounts, books, records, properties and personnel of any such person or persons he in his discretion may deem necessary, essential or expedient for the purpose of determining such fact or facts. For the purpose of defraying the necessary expenses in making and conducting such examination, inspection or investigation and where a specific sworn written complaint coupled with a written request asking the commissioner to make such examination, inspection or investigation has

been filed in the office of the commissioner, and should the commissioner in his discretion deem said complaint and request to be meritorious and sufficient, he may as a condition precedent to making such examination, inspection or investigation demand and receive from the requesting complainant, a cash deposit in an amount sufficient to cover the necessary expense of making such examination, inspection or investigation.

§ 47. Misleading Advertisements—Liabilities. In addition to the liability now imposed by law, any person or company that, by written or printed circular, prospectus, statement or advertisement of any kind, shall offer for subscription or purchase any security; or receive the profits accruing from the disposal of security; or receive the profits accruing from the disposal of securities so advertised, shall be liable to any person, who, on the faith of such advertisement or document, acquires such security, for the loss or damage sustained by him by reason of any false or misleading statement contained therein, unless such person or company shall establish that he or it had no knowledge or notice of the publication of such advertisement prior to the transaction complained of, or had just and reasonable grounds to believe the statement thereof to be true. Wherever any corporation shall be so liable, the officers and directors thereof shall also be, under like limitations, jointly and severally liable. Any such officer or director, upon payment of a judgment so obtained against him, shall be subrogated to the rights of the plaintiff against such corporation and shall have the right of contribution for the payment of such judgment under like limitations, against any of his fellow officers or directors. Lack of reasonable diligence to ascertain the fact of such publication or the falsity or misleading nature of any statement therein contained, shall be deemed to be knowledge of such publication and of the falsity or misleading nature of any untrue statement thereof. Any action brought against such officer or director, based upon the liability hereby imposed, shall be brought within two years after the acquisition of the security by any person so damaged or after payment of the judgment for which contribution is sought.

§ 48. Advertisement of Securities. It shall be unlawful hereafter, except as to exempt securities, as provided in Section 25, and securities that may be sold and offered for sale on notification as provided in Section 6:

(1) To advertise in this State, through or by means of any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise; or

(2) To circulate or publish any newspaper, periodical or either written or printed matter in which any advertisement in this section specified shall appear; or

(3) To circulate any prospectus, price list, order blanks or other matter for the purpose of inducing or securing any subscription to or sale of any security or securities, not exempted under any of the provisions of this act, and not sold or to be sold in one of the transactions exempted under the provisions of this act, unless and until the requirements of this act have been fully complied with and such advertising matter has been filed with and approved by the commissioner.

§ 49. Certain Information and Records Open to Inspection by Public. All information received by the commissioner shall be kept open to public inspection at all reasonable hours, and the commissioner shall supply to any applicant upon payment of fee therefor copies of any papers or record with the commissioner, but the commissioner shall have power and authority to place in a separate file, not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public. An exemplification of the record under the hand of the commissioner, or of his deputy, shall be sufficient evidence of any record made or entered by or on file with the commissioner. A certificate under the hand of the commissioner or his deputy, showing that the securities in question have not been recorded in the register of qualified securities, shall constitute prima facie evidence that such securities have not been qualified for sale pursuant to the provisions of this act, and

shall be admissible in evidence in any proceeding, either civil or criminal, instituted under any of the laws or statutes of this State.

§ 50. Warnings to Public. The commissioner may when he deems it of public interest so to do issue and give warnings in such manner as he thinks necessary to the public concerning securities being sold in this State.

§ 51. Fees Paid Into State Treasury—Expenses of Administration. All fees herein provided for shall be collected by the commissioner and shall be paid over to the State Treasurer to go into the general fund, except such fees as are paid directly to the expert inspector, auditor or accountant by the person examined which may be done when the commissioner first approves expert inspector, auditor or accountant and permits the person examined to pay the fees directly to him. All expenses of the administration of this act, including salaries, clerk hire, postage, printing, stationery and the like shall be paid out of available funds in the treasury on the auditor's warrant for the payment of bills itemized and certified to as correct by the commissioner.

§ 52. Commission for Sale of Securities. It shall be unlawful for any person, firm, corporation or association to pay or agree to pay, directly or indirectly, in consideration for the sale of any of the securities included in this act a commission or fee greater than twenty (20) per cent.

§ 53. Construction of Act. No trick, device, subterfuge or pretense shall be allowed to evade the operation or defeat the purpose of this law, and its provisions shall be liberally construed in order that the purpose and intention of the act to protect the public from fraud, deceit, and imposition in the sale of the securities referred to in this act, may be carried out.

§ 54. Penalty for Refusal to Obey Order of Commissioner. Any person who shall refuse to make answer to any

competent and material question propounded to him by the commissioner, or his deputy, shall upon conviction in any court of competent jurisdiction, be punished by a fine not to exceed five hundred ($500.00) dollars, or by confinement in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 55. Penalty For False Statements. Any person who, under oath, makes a false answer to any competent and material question in any hearing before the commissioner, special inspection, examination or investigation, shall be guilty of false swearing, and upon conviction shall be punished as prescribed in Section 1174 of the Kentucky Statutes.

§ 56. Penalty for Filing False Statement with Commissioner. Any person who shall make or file, or cause to be made or filed with the commissioner under or in compliance with any of the provisions of this act, any statement, document, or other paper sworn to by him and which is false in any material respect or matter, shall be deemed guilty of false swearing and upon conviction thereof shall be punished as provided for in Section 1174 of the Kentucky Statutes.

§ 57. Penalty for Sale of Securities of Insolvent Issuer. Any issuer or agent, salesman, dealer or broker of or for any issuer knowing such issuer to be insolvent, who shall offer to sell any securities issued by such issuer, or who shall make any sale of any such securities of and for such issuer, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction, shall be punished by confinement in the penitentiary for not less than one nor more than ten years. For the purpose of this section an issuer shall be deemed insolvent whenever the aggregate of his or its property shall not, at a fair valuation, be sufficient in amount to pay his or its debts.

§ 58. Penalty for Violations of this Act. Any person who wilfully does, or aids or advises in doing any act that is not included in and punished by Sections 54, 55, 56 and 57 of

this act, and that is prohibited or made unlawful by any of the provisions of this act, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than seven years.

§ 59. Constitutionality. Should the court declare any section or clause of this act unconstitutional, then such decision shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this act.

§ 60. Statutes Repealed. That the following sections of Carroll's Kentucky Statutes, 1930 Edition, be and the same are hereby repealed, to-wit, Sections 165a-1 to and including 165a-22, and Sections 883e-1 to and including 883e-36, and all other sections of said statute and all acts or parts of acts in conflict herewith.

§ 61. All funds in the State treasury to the credit of the banking department and to the Kentucky Securities Department are hereby transferred to the Banking and Securities Department of Kentucky, and the State treasurer is hereby directed to make such transfer upon the approval of this act by the Governor.

§ 62. Emergency. Because this act repeals all existing laws pertaining to the banking department of the Commonwealth and all existing laws pertaining to the Kentucky securities department of the Commonwealth and abolishes said departments and creates a new department, combining the duties of the two former departments into one department, an emergency is declared to exist, and this act shall take effect when enacted by the General Assembly of the Commonwealth of Kentucky into a law and approved by the Governor.

Senator Rose proposed the following resolution.

SENATE RESOLUTION No. 15

Resolution providing for the purchase of copies of the

Legislative Digest for the members of the General Assembly and State and other public officials.

Whereas, it is a matter of importance and convenience that each Senator and Representative be advised as to the various and detailed steps of legislation and,

Whereas, this General Assembly for the past twelve sessions has approved and adopted as its official publication The Legislative Digest, a publication the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to matters affecting them in an intelligent and concise manner, therefore,

Be it resolved by the Senate of Kentucky, the House of Representatives concurring therein:

That the publishers of The Legislative Digest are hereby directed to furnish daily a copy to each member and the clerks of the General Assembly, and to the heads of each State Department during the time of this session. That the publishers are allowed the sum of ten dollars for each subscription for the session and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount when such service has been concluded. The total number shall not exceed two hundred copies, which are to be paid for under this resolution.

To Committee on Appropriations.

Senator Booles proposed the following resolution.

SENATE RESOLUTION No. 16

Joint Resolution of the Senate and the House of Representatives of the General Assembly of Kentucky to meet in Joint Session at 11 o'clock A. M., on February 4, 1932, to pay a tribute to George Washington, signer of the Act of Congress admitting Kentucky to Statehood, and to signalize the formal

opening of Kentucky's participation in the Nation-wide George Washington Bicentennial Celebration.

Whereas, all of the States of the Union are planning a series of celebrations this year in honor of the Two Hundreth Anniversary of the birth of George Washington, and,

Whereas, President George Washington on February 4, 1791, signed the Act of Congress admitting Kentucky to Statehood and thus extended to Kentucky the distinct honor of being the first State authorized to join the Thirteen Colonies after the formation of the United States, and,

Whereas, the Congress of the United States, through the United States Commission and the Kentucky Committee for the George Washington Bicentennial, has presented to Kentucky as a memento of this historic event a bust of George Washington; therefore,

Be it Resolved by the General Assembly of Kentucky:

That the Senate and the House of Representatives meet in Joint Session at 11 o'clock A. M., on February 4, to witness the presentation of the bust of George Washington by Congressman Virgil Chapman, on behalf of the Congress of the United States, to Governor Ruby Laffoon, for the State of Kentucky, and that this hour and occasion signalize the formal opening of the George Washington Bicentennial Celebration in Kentucky.

Senator Booles moved the suspension of the rules, and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution it was decided in the affirmative.

Said resolution was adopted.

Senator Gates F. Young proposed the following resolution:

SENATE RESOLUTION No. 17

Whereas, the printers of North America, through the International Typographical Union, have established at Colorado, a tubercular sanitorium and home for the sick and aged of this craft, which, from a small beginnng in 1892, now comprises 250 acres, with a total property value of more than $3,000,000.00; and,

Whereas, the Printers' Home now cares for more than 300 residents continuously, expending more than $300,000.00 yearly for the care of their sick and infirm, returning many stricken printers to their homes rehabilitated, to live long and useful lives in their community; and,

Whereas, the International Typographical Union at its recent convention held in Boston, Mass., adopted a resolution which places itself squarely as desiring an auxiliary Home in the East to be nearer the greater number of its members, as is shown by these words: ".....but goes on record as being desirous of establishing an eastern sanitorium similar to the one at Colorado Springs....."; and,

Whereas, many sections of Kentucky are unequaled by any State in the Nation for the treatment and cure of tuberculosis, and where the scenic beauty and temperate climate are such as to surround the aged with peace and contentment in their declining years; therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky, the House and Senate concurring:

§ 1. That the International Typographical Union be invited to establish its Eastern Printers' Home in the State of Kentucky.

§ 2. That the Governor of Kentucky extend this invita-

tion to the International Typographical Union (Charles P. Howard, President, and Woodruff Randolph, Secretary-Treasurer) whose headquarters are at Indianapolis, Ind.

Senator Gates F. Young moved the suspension of the rules and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution, it was decided in the affiirmative.

Said resolution was adopted.

House Resolution No. 23 was called from the Clerk's desk.

A resolution inviting United States Senator Alben W. Barkley to address a Joint Session of the General Assembly.

Senator Stephenson moved that said resolution be adopted.

The question being taken thereupon, was decided in the affirmative and,

Said resolution was adopted.

Senator Gates F. Young moved that the Senate recess for thirty minutes.

Said motion was agreed to.

The Senate reconvened at 11 o'clock A. M. and resumed work.

HOUSE MESSAGES

A message was received from the House of Representatives announcing that they had passed bills and resolutions of the following titles:

H. B. 29. An Act appropriating Four Hundred and Seventy-five ($475.00) Dollars to M. Livingston & Co., on account of overpaid License Taxes.

It was ordered that said bill be referred to Committee on Appropriations.

Said bill reads as follows:

Whereas, M. Livingston & Co., a domestic corporation of Kentucky, paid to the State of Kentucky, through the Tax Commission, for the years commencing 1918 up to and including the year 1926, special license taxes to the amount of Four Hundred and Seventy-five ($475.00) Dollars in excess of the amounts due as follows:

For the year 1918	$ 25.00
For the year 1919	25.00
For the year 1920	25.00
For the year 1921	37.50
For the year 1922	37.50
For the year 1923	37.50
For the year 1924	37.50
For the year 1925	125.00
For the year 1926	125.00

And, Whereas, there is now no provision of law by which said erroneous and excessive payments may be recovered either by an action allowed by the General Assembly or by a direct claim against the State on account of the fact said claim would be barred by the limitation fixed in Section 166 of Kentucky Statutes; and,

Whereas, said taxes were never due to the State of Kentucky, but were collected and received by mistake, and there is no way by which the same may be restored to said taxpayer except by a direct appropriation of funds for such purpose. Now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there is hereby appropriated, for the use and benefit of M. Livingston & Co., out of the Treasury of the Commonwealth of Kentucky, the sum of Four Hundred and Seventy-five ($475.00) Dollars, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the Treasurer of this State for said sum payable to M. Livingston & Co., and the Treasurer is authorized and directed to pay said warrant in the usual and customary way. Said appropriation and payment to be made on account of overpaid license taxes and fees to the State of Kentucky for the years 1918 to 1926, inclusive; and said appropriation is made for the reason there is no provision of law authorizing or allowing the refunding of overpaid taxes at this time.

H. B. 34. An Act to provide for the organization, regulation and government of the State Bar, and to provide for the licensing regulation, discipline and disbarment of attorneys-at-aw.

It was ordered that said bill be referred to the Committee on Judiciary.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. State Bar Defined. All persons who are now or shall hereafter be licensed and admitted to practice as attorneys at law of this Commonwealth under and pursuant to the laws of the Commonwealth now in force or hereafter enacted, shall constitute and be members of the State bar, and shall be subject to the provisions of this act, provided, however, that the provisions of this act shall not apply to any person now licensed to practice law in this State who shall practice without compensation or award.

§ 2. Board of Commissioners Established. There is hereby established a Board of Commissioners of the State Bar, consisting of two members chosen from each of the Appellate Court Districts of the Commonwealth, to be selected at the times and in the manner hereinafter provided, which Board of Commissioners shall be known and designated herein as the board. The board shall have perpetual succession, use a common seal and be authorized to receive and hold property, money, gifts and bequests designed to promote the objects for which it is created and the improvement and development of the conditions surrounding or affecting the practice of the law. The board shall maintain an office, at Frankfort, Kentucky ,which shall be open at all reasonable times, but it may hold sessions at any place in the State of Kentucky.

§ 3. Selection of Commissioners. The board shall be elected by the members of the State bar, who shall vote by ballot. Each appellate district of the State shall be entitled to two commissioners on the board elected by members of the bar of each district. If, hereafter, additional appellate districts may be created, such additional districts shall each be entitled to two commissioners on said board. The first election of commissioners shall be held at the time mentioned in Section 4 hereof, at which time the entire board shall be elected. The commissioners so elected shall be divided into two groups of seven persons each, which groups shall hold office for one and two years, respectively; and each group shall have one commissioner from each appellate district. Thereafter there shall be an annual election for the purpose of selecting successors to those commissioners whose terms shall expire and for the purpose of filling vacancies on the board. In all elections the commissioners for the respective appellate districts shall be elected by the members of the State bar residing in their respective districts.

§ 4. Elections of Board. For the purpose of holding the first election of commissioners hereunder the clerk of the Court of Appeals of this Commonwealth and two members of the State bar to be appointed by the Chief Justice of the

Court of Appeals are hereby created an election and canvassing board. Said board shall within thirty days after this act goes into effect:

(a) Set a time for closing the nomination for said commissioners, which time shall be not less than thirty days from and after printed notice sent to members of the State bar as provided in Subsection (b) of this section; and set a time for closing voting for said commissioners, which time shall be not less than sixty days from and after sending such notices.

(b) Send such notices by mail to all members of the State bar so far as the names and addresses of said members can be obtained by said election and canvassing board, which notices shall advise the members of the dates mentioned in paragraph (a) hereof, and of the purpose and method of holding said election.

(c) Receive all nominations and from the same prepare a sufficient number of printed ballots containing the names of all persons nominated in the respective appellate districts, according to the provisions of Section 5 hereof, one of which ballots shall be mailed to each member of the State bar, whose name and address can be obtained, as aforesaid, at least fifteen days before the time fixed for closing the voting. The ballots shall be so prepared and issued as to submit to the members of the State bar of the respective appellate districts the names of the candidates nominated in their districts. All ballots shall be either deposited in person or by mail with the clerk of the Court of Appeals.

(d) Receive and canvass the vote and certify the names of the two candidates receiving the highest number of votes in each appellate district to be the first board.

(e) Make a record in the office of the clerk of the Court of Appeals of the said election and notify each member of the board of his election within five days thereafter.

All subsequent elections shall be held annually by printed ballot in the same manner and according to the same rules as the first election excepting that they shall be conducted by the Board of Commissioners, which board shall have power to appoint an election and canvassing board of three members outside of its own membership, and shall also have power to prescribe regulations for the time of holding and for the conduct of such elections not in conflict with the provisions of this act.

§ 5. Nominations for Commissioner. Nominations to the office of commissioner shall be written petition signed by not less than twenty members of the State Bar in good standing. Any number of candidates may be nominated on a single petition, and any number of petitions may be filed, but all candidates named on a petition and all persons signing same shall be residents of the same appellate district. For the purpose of the first election the petitions shall be deposited with or mailed to the clerk of the Court of Appeals. Thereafter all petitions shall be mailed to the secretary of the board at and within the time fixed by the rules of the board.

§ 6. Organization of the Board. On the fourth Tuesday next following the certification of their election the members of the board shall meet in the City of Frankfort, Kentucky, and determine by lot which of its members shall compose the group holding office for one year and which for two years. They shall then organize by the election of a secretary, who shall serve until the first meeting of the board held after the next election of the members of the board or until his successor shall be elected and qualified. Thereafter said board shall elect annually at the first meeting of the board held after an annual election of the Commissioner, such secretary who shall serve until the successor shall be elected and qualified. Said secretary may or may not be a member of the board and his duties shall be such as is prescribed by the board.

§ 7. Election of Officers by the State Bar. The State Bar at its first meeting after the passage of this act shall

elect a president, a first and second vice-president, who shall hold office and serve until the next annual meeting of the State Bar Association, or until their successors are elected and qualified and the State Bar shall annually thereafter elect such president, first and second vice-president, who shall serve until their successors shall be elected and qualified.

The said president, first and second vice-president shall be ex-officio members of the board and the president shall preside over all meetings of the board and shall have the right to vote upon all questions before the board. The first and second vice-presidents shall have the right and authority to meet with the board, but shall not have the right to vote upon any question or questions before the board except in the absence of the president, when the first vice-president shall have all the authority and duties imposed upon the president, and in the event of the absence of the president and first vice-president said second vice-president shall have all of the authority and duties imposed upon the president and first vice-president.

For the purposes of electing a president, first and second vice-president, the board shall as soon as practicable after the passage of this Act, call a meeting of the State Bar Association for the purposes of electing said president, first and second vice-president, who shall serve until the next annual meeting of the State Bar, or until their successors are elected and qualified.

§ 8. Authority of Board. The board shall have power to make rules and by-laws, not in conflict with this act, for the government of the board and regulating the selection and tenure of its officers and committees and their powers and duties, and generally for the control and regulation of the business of the board and of the State Bar, including the power to promote or maintain the printing and distribution of legal magazines, pamphlets and other publications designed to educate and inform the State Bar and the public.

§ 9. Regulation, Discipline and Disbarment of Members.

The board shall also have power, subject to the approval of the Court of Appeals, to make rules and regulations governing the professional conduct of all members of the State Bar. The board shall have power to investigate and pass upon all complaints which may be made concerning the professional conduct of such members, and may investigate and pass upon such matters of its own motion.

Such complaints shall be in writing and shall be filed with the secretary of the board. Upon the filing thereof, a time and place for the hearing of same shall be fixed by the board, provided, however, that said hearing shall be conducted at a place within the appellate district wherein the party complained of resides, except by consent of both parties; and provided, further, that the party complained of shall have not less than ten days written notice of the time and place of said hearing. The board shall then proceed to hear same, or may constitute and appoint a committee from its number, to consist of three or more members, which committee shall have power to conduct such hearing. The testimony at such hearing may be given orally or by deposition, subject to the same limitations and exceptions regarding the taking and use of depositions as may exist in the trial of ordinary actions at law. All the evidence adduced by the parties at the hearing shall be reduced to writing, and from such evidence the board shall render such award as may be proper.

The board may, if the evidence justifies such a course, take such disciplinary action by public or private reprimand as the case may in its judgment warrant. In all cases where the board shall find that the party complained of should be suspended from practice, or excluded or disbarred therefrom, a copy of the award, together with a statement of the costs incurred by the board in conducting such investigation, shall be filed within ten days after same is rendered in the office of the Clerk of the Circuit Court of the county of the residence of the accused, and the Clerk of said Court shall enter said case on the docket thereof for trial. Thereupon sum-

mons shall be issued, as in other cases, directed to the party against whom the award shall have been rendered, requiring said party to appear in said court within the time allowed in ordinary cases and show cause why said award shall not be enforced. If such party fails to appear judgment shall be rendered by default, which judgment shall include the costs incurred by said board in conducting said investigation and in the said court, and the court shall proceed to enforce same, except as hereinafter provided. If a trial is demanded, the case shall be tried in all respects as now provided by law in actions of disbarment in the Circuit Court, provided that no evidence shall be introduced by either party excepting that heard by the board, or its committee, unless the court shall be satisfied by affidavits that the additional evidence could not have been produced before the board, or its committee, by the exercise of reasonable diligence. Said court shall enter judgment affirming, modifying or setting aside the award of the board, including judgment for costs, as aforesaid, or it may, in its discretion, remand the case to the board for further proceedings in conformity with the direction of the court.

Either party may take an appeal from the judgment of the Circuit Court to the Court of Appeals, and the procedure on such appeals shall be the same as now provided by law so far as same may be applicable to and not conflict with the provisions of this Act.

The Attorney General of this Commonwealth shall act as attorney for the board in all such cases before the board, and in the Circuit Court and the Court of Appeals.

Nothing this section or Act contained shall be construed as limiting or altering the power of the courts of this State to discipline or disbar members of the State Bar as this power at present exists.

§ 10. Power of Subpoena. In any investigation or hearing provided for herein, the board and any committee ap-

pointed by it for this purpose, shall have power to summon and examine witnesses under oath and compel their attendance and the production of books, papers, documents and other writings necessary or material to the inquiry. Such summons or subpoena shall be issued under the hand of the secretary of the board or the chairman of any duly constituted subcommittee of the board, and shall have the force of a subpoena issued by a court of competent jurisdiction, and any witness or other persons who shall refuse or neglect to appear in obedience thereto, or who shall refuse to be sworn or testify or produce books, papers, documents or other writings demanded, shall be liable to attachment upon application to any judge of the circuit court for the district where the investigation is conducted, as in cases of contempt.

§ 11. Rights of Accused Member. Any member of the State Bar complained of shall at any investigation or hearing have full opportunity to defend by the introduction of evidence and the cross examination of witnesses called against him, and the right to be represented by counsel. He shall also have the right to require the secretary of the board to summons witnesses to appear and testify or produce books, papers, documents, or other writing, necessary or material to his defense in like manner as above provided.

§ 12. Record of Proceedings. A complete record of the proceedings and evidence taken by the board or any committee, shall be preserved by the board, but it may, where sufficient reason appears and the accused gives his consent, cause the same to be expunged.

§ 13. License Fees. All members of the State Bar shall on or before the first day of July in each year pay into the State Treasury, as a license fee for the ensuing fiscal year, the sum of five dollars. Said fees shall constitute a fund to be held and disbursed by the State Treasurer upon the order of the board. As soon as practicable after the first day of July in each year the State Treasurer shall certify to the secretary of the board the names of all attorneys who have paid such

license fees. If any attorneys shall be in default for payment, the secretary of the board shall send them written notices of such fact, and if they remain in default for sixty days thereafter, without good excuse, they shall not be recognized in voting or in the transaction of business by the State Bar as being in good standard, nor shall they have the right to practice or carry on the calling of a lawyer in this Commonwealth.

§ 14. Disbursements. For the purpose of carrying out the objects of this Act, and for the exercise of the powers herein granted, the board shall have power to make orders concerning the disbursement of said funds, but no member of the board except the secretary shall receive any compensation other than his actual necessary hotel and traveling expenses connected with attending meetings or hearings held or conducted by said board of its committees. The State Treasurer is directed to pay money out of the fund hereinabove provided for, upon the order of the secretary of the board, countersigned by the president of the board.

§ 15. Annual Meeting of Bar. There shall be an annual meeting presided over by the president of the State Bar, open to all members thereof in good standing, which shall be held at such place and time as the board may designate, for the discussion of the affairs of the State Bar and of the administration of justice, and for the election of a president, first and second vice-president.

§ 16. Unlawful Practice of Law. If any person, who has not become duly licensed to practice, or who is not a member of the State Bar in good standing, or whose license to practice shall have terminated either by disbarment, suspension or otherwise, shall practice or assume to act or hold himself out to the public as a person qualified to practice or carry on the calling of a lawyer, he shall be guilty of a misdemeanor under this Act, and, on conviction thereof, be fined not to exceed five hundred dollars, or be imprisoned for a period not to exceed six months, or both.

§ 17. Provisions of Act Severable. The provisions of this Act are severable, and if any of its provisions shall be declared unconstitutional, such decision shall not affect or impair any of the remaining portions of this Act, it being the intention of the General Assembly, in enacting this Act, to enact each section, subsection, paragraph, clause, provision and requirement separately.

§ 18. Act to be Liberally Construed. This Act and each of its various sections, subsections, paragraphs, clauses, provisions and requirements shall be liberally construed in favor of the purposes of this Act.

§ 19. Repealer. All laws and parts of laws in conflict herewith are hereby expressly repealed.

H. B. 40. An Act to amend Section 561 of Carroll's Kentucky Statutes, 1930 Edition, being an Act concerning the termination of the existence of corporations, and how such termination is effected.

It was ordered that said bill be referred to the Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 561 of Carroll's Kentucky Statutes, 1930 Edition, be amended by inserting and adding after the word "business" in the 20th line, and before the words "and all debts" in the 21st line, the following:

"and a memorandum of such dissolution, signed by an authorized officer or agent of the corporation, and attested by the clerk or his deputy, shall be made on the margin of the record in the office of the clerk of the county court, where its articles of incorporation are recorded; and the corporation

shall send written notice thereof, signed by its authorized officer or agent and a copy of the action of the corporation authorizing such dissolution, together with one copy of said newspaper notice as published to the Secretary of State, who shall file same, and note such dissolution on the records, in his office; and no corporation shall be deemed to be dissolved except from the time of its compliance with the provisions of this section. For each attestation so made by the clerk of the county court, he shall receive twenty-five cents;"

So that Section 561 as amended will read as follows:

"561. Termination of Existence of Corporation—How Effected. Any corporation organized under this chapter may, by the consent in writing of the owners of the majority of its shares of stock, unless otherwise provided in the articles of incorporation or amendments thereto, close its business and wind up its affairs; and when any corporation expires by the terms of the articles of incorporation, or by the voluntary act of its stockholders, it may thereafter continue to act for the purpose of closing up its business, but for no other purpose; and it shall be the duty of the officers to settle up its affairs and business as speedily as possible; and they shall cause notice to be published, for at least once a week for four consecutive weeks, in some newspaper printed and published in the county, if any, of the fact that it is closing up its business; and a memorandum of such dissolution, signed by an authorized officer or agent of the corporation, and attested by the clerk or his deputy, shall be made on the margin of the record in the office of the clerk of the county court, where its articles of incorporation are recorded; and the corporation shall send written notice thereof, signed by its authorized officer or agent, and a copy of the action of the corporation authorizing such dissolution, together with one copy of said newspaper notice as published, to the Secretary of State, who shall file same, and note such dissolution on the records, in his office; and no corporation shall be deemed to be dissolved except from the time of its compliance with the provisions of this section. For each attestation so made by the clerk of

the county court, he shall receive twenty-five cents; and all debts and demands against the corporation shall be paid in full before the officers receive anything."

H. B. 114. An Act to amend Section 4168k, Kentucky Statutes, Carroll's Edition, Supplement 1931, the same being Section 11 of Chapter 150, of the Acts of the General Assembly of 1930, approved March 15, 1930, and to fix the fees of county clerks for recording certificates of transfer and releases of tax claims evidenced by certificates of transfer and repealing laws in conflict herewith to the extent of such conflict.

It was ordered that said bill be referred to the Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4168k, Kentucky Statutes, Carroll's Edition 1930, Supplement 1931, being Section 11 of Chapter 150 of the Acts of the General Assembly of 1930, relating to the transfer of tax claims held by the Commonwealth of Kentucky or any county, municipality or taxing district thereof, be amended by striking out the words "twenty-five cents" in said section and inserting in lieu thereof, the words "fifty cents" and adding thereto the words: "All Acts or parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict," so that when amended said section will read as follows:

The county court clerk shall be entitled to charge a fee of fifty cents and no more for recording the hereinabove certificate of transfer on the record of encumbrances and the county clerk shall be entitled to charge a fee of fifty cents and no more for each release on the record of encumbrances of the hereinabove certificate of transfer, or for each deed of release of said certificate of transfer.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

H. B. 245. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

It was ordered that said bill be referred to the Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4693, Kentucky Statutes, Carroll's Edition, be repealed and re-enacted so as to read as follows:

"Before any bank shall be named as depository, or permitted to receive public funds, said bank shall execute to the Commonwealth of Kentucky a bond, with good sureties, worth severally or jointly, not less than one hundred thousand dollars ($100,000.00), to be approved by the Treasurer, conditioned that said bank will pay over, when demanded, all money deposited with it by the Treasurer, and otherwise faithfully comply with the requirements of the law relating to it as a depository. The bond shall be filed with and be recorded by the Secretary of State, and shall be renewed at least once in every two years and oftener if required by the Treasurer, or in lieu of the bond herein provided for said bank may pledge with the State Treasurer State warrants or other securities in such amount and of such character and description as may be approved by the Treasurer in order to secure such deposits. A written receipt for which warrants or other securities so pledged shall be delivered by the Treasurer to the depository pledging same. The execution of this bond, or the deposit of the public funds in banks named as depositories, or the pledge of said State warrants or other securities, shall not in any wise diminish the liability of the Treasurer and his sureties upon his bond, but the

Treasurer is not liable on his bond as an insurer. Nor shall the execution of said bond or the pledge of said State warrants or other securities impair or delay the right of the Commonwealth to recover on the Treasurer's bond for any loss or misapplication of the public funds or other delinquency in office. Nor shall the execution of the bond by the bank or the pledge of said State warrants or other securities impair or delay in any way the right of the Commonwealth to recover from any delinquent or defaulting bank, or the officers or stockholders thereof, in the same manner as other depositories."

An emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor."

H. Res. 2. Resolution memorializing Congress for relief for the tobacco growers of the United States.

It was ordered that said bill be referred to the Committee on Revenue and Taxation.

Said resolution reads as follows:

Whereas, many citizens of the State of Kentucky have been engaged for many years, and are now engaged in the cultivation of tobacco; and

Whereas, nearly all those who do grow tobacco are almost entirely dependent for their support on the proceeds of the sale thereof; and

Whereas, tobacco has been selling for two seasons past in Kentucky at prices much below the cost of its production; and although said tobacco is regularly exposed at public auction, there has been no real competitive bidding for same; and

Whereas, there are only four companies in the whole nation who buy any material part of this tobacco; and

Whereas, each one of these companies regularly bids the same or approximately the same prices for all tobacco offered; and these prices are below the cost of production, and have already reduced many tobacco growers in Kentucky to insolvency, and to actual need of the ordinary necessities of life; and

Whereas, the general sales of prepared tobacco throughout the whole country have greatly increased, and are still increasing; so that large and increasing profits are being reaped therefrom, and apparently being reaped at the expense of the growers; and

Whereas, the four great companies are now paying out immense sums of money in cash dividends, stock dividends, bonuses, and other forms of profit, while the growers of tobacco in Kentucky are reduced to penury, and are without funds, or any return for their labor,

Now, therefore,

Be it resolved that the General Assembly of the Commonwealth of Kentucky:

Hereby memorializes the Congress of the United States of America now in session in Washington, to inquire fully into the foregoing conditions, and for that purpose, if necessary, to call before it any purchaser of leaf tobacco and to investigate all matters in connection with these deplorable conditions, and especially the following:

§ 1. Whether there is any known agreement or understanding (whether secret, written, tacit, or otherwise) by which bidding on tobacco at public auction in Kentucky is limited, restrained, or otherwise suppressed;

§ 2. Whether the prices now being bid for two seasons past at said public auctions in Kentucky are fair prices, and whether these prices are due to any understanding or agree-

ment of any sort between the purchasers of leaf tobacco in restraint of open and free bidding;

§ 3. Whether there is any competition between the purchasers of leaf tobacco on the Kentucky market;

§ 4. Whether the action of these corporations is not in restraint of trade, and does not amount to an illegal combination in restraint of trade;

§ 5. Whether any relief may be had by the growers of tobacco in Kentucky from these intolerable conditions;

A copy of this resolution is directed to be forwarded to each one of the representatives and senators from Kentucky, who are now serving in the Congress of the United States.

COMMITTEE REPORTS

Senator Moore of the Committee on Courts and Legal Procedure to which had been referred a bill of the following title:

S. B. 54. An Act to repeal "An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal, shall be entered and cross indexed and imposing penalties for failure so to do," by repealing said Act, which is now Chapter 45 of the Acts of the General Assembly, in its entirety.

Reported with expression of opinion that same ought not to pass.

Therefore, said bill was rejected.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred bills of the following titles:

S. B. 136. An Act to amend Chapter 110 of the Acts of the General Assembly of the Commonwealth of Kentucky, for the year 1928, being an Act entitled an Act to amend and re-enact Section 1720 of the Kentucky Statutes, Carroll's Edition, 1922, relating to fees.

S. B. 31. An Act to repeal an Act enacted by the General Assembly of Kentucky at its 1930 session, being Chapter 63 of the Act of 1930 of the General Assembly of Kentucky and Sections 2438c-8, 2438c-9, 2438c-10, 2438c-11, 2438c-12, 2438c-13, 2438c-14, 2438c-15, 2438c-16 of Supplement of Carroll's Kentucky Statutes, pertaining to the establishment in each county seat a county law library and establishing the circuit court clerk as ex-officio librarian of said library and fixing his salary as librarian.

S. B. 150. An Act to amend and re-enact Section 2237 of the 1922 Carroll's Edition of the Kentucky Statutes, being part of Chapter 73 of the Kentucky Statutes relating to jailers.

S. B. 106. An Act to amend Section 2117, Kentucky Statutes, Carroll's Edition 1922, Act of May 16, 1893.

Reported said bill with expression of opinion that same ought not to pass.

Therefore, said bills were rejected.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

S. B. 96. An Act to extend the jurisdiction of notaries public into counties other than the county of their appointment.

Reported with expression of opinion that same ought to pass with the following amendment thereto:

That in paragraph 1, line 1, the words "of the counties" be stricken and the word "county" be substituted therefor; in line 2 the word "county" be inserted before the words "county clerk's office," and after the word "other" in same line the word "adjoining" be inserted.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred bills of the following titles:

S. B. 38. An Act to amend and re-enact Section seven hundred and forty-five (745) of the Civil Code of Practice.

S. B. 111. An Act to amend and re-enact Sections 280 and 281 of Chapter 8 of the Criminal Code of Practice relating to bills of exceptions.

S. B. 86. An Act providing that no conduct statement or representation made by any officer or officers of this Commonwealth or any county, municipality or taxing district therein shall be received as evidence against or service or serve to estop the Commonwealth or any county, municipality or taxing district thereof from contesting the legality of any tax or indebtedness authorized or created in excess of the constitutional or legal limits relating to such indebtedness.

Reported said bills with expression of opinion that same ought to pass.

Senator Moss of the Committee on Library and Historical Records, to which had been referred bills of the following titles:

S. B. 140. An Act creating "Confederate Memorial Day."

S. B. 137. An Act to amend Chapter 146 of an Act of the General Assembly passed at its 1920 session entitled, "An Act relating to free public libraries in cities and towns of

the third, fourth, fifth and sixth classes of this Commonwealth," the same being Sections 2741d-1 to and including 2741d-5 of Carroll's Kentucky Statutes, Official Edition, 1930; by adding thereto sections providing that certain libraries in said cities and towns shall be free public libraries, how they may become such, for their support, for separate funds, separate libraries for the white race and for the negro race, for taxing separate property of the two races and the division of funds, for issuing warrants on claims, for appointment of the first board of trustees and defining the construction to be applied to this amendment.

Reported said bills with expression of opinion that same ought to pass.

Senator Gates F. Young of the Committee on Banks and Trust Companies, to which had been referred a bill of the following title:

S. B. 171. An Act to repeal, amend and re-enact Subsection 17 of Section 165a, Kentucky Statutes, Carroll's 1930 Edition, relating to the State Banking Department.

Reported with expression of opinion that same ought to pass with the following amendment thereto; by adding as line 91:

"It is hereby declared that an emergency exists and this Act shall take effect immediately upon its passage and approval by the Governor, and further amends said Senate Bill 171 by adding to the title thereof after the word Department the following:

"And declaring an emergency to exist."

Senator Rogers of the Committee on Education, to which had been referred a bill of the following title:

S. B. 161. An Act guaranteeing to all children in this Commonwealth school privileges for the legal term of school.

Reported with expression of opinion that same ought to pass.

Senator Pogue of the Committee on Kentucky Statutes No. 2, to which had been referred bills of the following titles:

S. B. 138. An Act to repeal and re-enact Section 30, Chapter 171, Acts of the General Assembly of 1893, being Section 567 of Carroll's Kentucky Statutes, 1922 and 1930, relating to private corporations.

S. B. 163. An Act to prohibit the employment of anyone for a wage paid wholly or in part by the taxpayers of Kentucky unless such employee be a naturalized citizen of the United States of America and providing a penalty for violation of the same.

Reported said bills with expression of opinion that same ought to pass.

Senator Pogue of the Committee on Kentucky Statutes No 2, to which had been referred a bill of the following title:

S. B. 107. An Act relating to jailers and providing for the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the sheriff of the county, and providing for compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

Reported with expression of opinion that same ought to pass with the following amendment thereto:

Amend Senate Bill 107 by adding after line 11 of Section 4 thereof the following:

Section 5. The provisions of this Act shall not apply to counties with seventy-five thousand population and over.

Amend Senate Bill 107 and line 1 of Section 5 thereof by striking out the figure 5 and substituting in lieu thereof the figure 6.

Amend Senate Bill 107 and line 1 of Section 6 by striking out the figure 6 and substituting in lieu thereof the figure 7.

Senator Pogue of the Committee on Kentucky Statutes No. 2, to which had been referred bills of the following titles:

S. B. 132. An Act to amend Section 564, Subsection 2, Kentucky Statutes, Carroll's Edition, 1915, relating to corporations.

S. B. 134. An Act to amend Section 2132 of Carroll's Kentucky Statutes, relating to the interest that a surviving husband or wife shall have in the real and personal estate left by the deceased spouse.

Reported said bills with expression of opinion that same ought to pass.

Senator Williams of the Committee on Suffrage and Election, to which had been referred a bill of the following title:

H. B. 63. An Act to repeal Sections 6, 7, 8, 9, 10 and 26 of Chapter 92 page 477 of the Acts of the General Assembly of 1914, being a portion of the Act providing for the commission form of government for cities of the third class, and the sections repealed by this Act are now Sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof, that the mayor, the commissioners, police judge and prosecuting attorney of the police court of cities of the third class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classification of Cities and Towns, to which had been referred a bill of the following title:

S. B. 58. An Act amending Section three thousand five hundred forty-five (§ 3545) of Carroll's Kentucky Statutes, 1930 Edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said Section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond and providing for his compensation, and authorizing the city council of cities of the fourth class to impose upon the city treasurer or the clerk of the council the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes.

Reported with expression of opinion that same ought to pass with the following amendment thereto:

"That the Treasurer shall be the collector in all towns up to and including fourth class."

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 174. An Act to repeal Sections 2, 3, 4, 5, 6, and 7 of Chapter 156 of Acts of the General Assembly of 1930 and Chapter 159 of the Acts of the General Assembly of 1930, and enacting in lieu thereof an Act creating a commission of nine members, each to serve four years, to be appointed by the Governor, and confirmed by the Senate, to be known as "The State Highway Commission of Kentucky"; providing for the qualifications, terms of office and appointment of its personnel; defining its powers and duties, both general and particular; providing for the compensation and expenses

thereof, including the salaries, compensation and expenses of its officers and employees; dividing the Commonwealth into road districts and describing the same; defining the duties of the Attorney General and of the County Attorneys in relation thereto; accepting the provisions of the Statutes of the United States, now or which may hereafter be enacted in aid of the State in the construction and maintenance of rural post roads and other purposes; vesting in said Commission the power to appropriate from the State Road Fund such sums as may be necessary to co-operate with the United States under any Federal Statute which is now or which may hereafter be enacted, and authorizing the State Treasurer to receive such money as may be paid to the Commonwealth of Kentucky by the United States in aid of the construction and maintenance of roads within this Commonwealth; and declaring an emergency to exist.

Reported with expression of opinion that same ought to pass with the following amendments thereto:

Amend Senate Bill 174 by adding immediately after the enacting clause and before the words "There shall be, and hereby is created a commission to be known as 'The State Highway Commission of Kentucky,' " the following:

"That Sections 2, 3, 4, 5, 6, and 7 of Chapter 156 of the Acts of the General Assembly of 1930, be and the same hereby are repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:

"There shall be and hereby is created a commission to be known as 'The State Highway Commission of Kentucky,' etc."

Amend Senate Bill 174, on page 7, line 9, by inserting after the word "authorized" and before the word "It," the following language:

"but no salary or compensation paid to any employee

by the Highway Commission shall exceed $5,000.00 per year."

Amend Senate Bill 174 by filling in blank on page 8 in line 2 by inserting "five thousand dollars."

Amend the title of Senate Bill 174 by striking out the following words, "and Chapter 159 of the Acts of the General Assembly of 1930."

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred bills of the following titles:

S. B. 125. An Act empowering the State Board of Charities and Corrections to direct probation in Kentucky and providing for the designation and special compensation of a member of said board to act as chief director of probation and for the compensation of other employees and appropriating necessary funds from the general fund for its administration.

S. B. 126. An Act to provide for the postponement of the rendition of judgment and the use of probation in criminal cases, providing for the appointment and compensation of probation officers and defining their powers and duties.

Reported said bills with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a resolution of the following title:

S. Res. 2. Resolution for the relief of C. M. Green, for mileage and expense by him as agent for the Commonwealth of Kentucky.

Reported without expression of opinion.

CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in Orders of Day.

Said titles to bills are as follows:

S. B. 145. An Act in relation to the Kentucky State Board of Dental examiners and to regulate the practice of dentistry in the State of Kentucky. Passed March, 1912.

S. B. 73. An Act establishing a State primary road project leading from a point at Gest to State Highway No. 37 near the Gusta Clements farm via Harpers Ferry in Henry County.

S. B. 44. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

S. B. 53. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky, a road located in Muhlenberg County, Kentucky, and beginning at Greenville, and running westwardly with the old Greenville and Madisonville Road, to Project No. 238, between Earles and Midland, thence to Millport, connecting with Project No. 247.

S. B. 128. An Act relating to roads and bridges and establishing as a part of the primary system of State highways a road leading from a point on Kentucky Highway No. 52, at West Irvine, via Station Camp, Kentucky, up Red Lick Creek to a point on Kentucky Highway No. 21 at or near Big Hill, Kentucky, in Madison County, and designate the same as State Project No. —.

S. B. 129. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from Booneville in Owsley County to Campton, in Wolfe County, via Tallega and Fillmore in Lee County, and crossing the North Fork of the Kentucky River at the mouth of Rock Lick Creek in Breathitt County.

S. B. 165. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road from Good Luck to the Monroe County line at or near Cyclone and authorizing the State Highway Commission of Kentucky to select and adopt the most direct and practical route between said points and repealing all Acts in a conflict in the extent of such conflict.

S. B. 159. An Act to add to the State primary highway system a road from State Primary Project No. — in Livingston County to the Lyon County line in Crittenden County.

S. B. 167. An Act to establish as a part of the primary system of roads and highways of the Commonwealth of Kentucky, a road leading from State Highway No. 58 where the Mayfield and Kirksey Road intersects said highway in Graves County, Kentucky, and running thence to a point at or near Liberty Church; thence by way of Kirksey, Calloway County, Kentucky, to Murray, Calloway County, Kentucky, and designated as Project No. —.

S. B. 123. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, relating to roads and bridges, by establishing and adding thereto a road from Joy, Livingston County, Kentucky, on what is now State Project No. 124, to Carrsville, Livingston County, Kentucky, a distance of about three miles, to the Ohio River, there connecting the State highways of Kentucky with the State highway system of the State of Illinois on Project No. —, thence to Elizabethtown, Ill., the county seat of Hardin County, Illinois.

S. B. 122. An Act to add to the State primary system a

road from Dycusburg, Crittenden County, to Fredonia, Caldwell County, Kentucky.

S. B. 22. An Act to establish as a part of the primary road system of the Commonwealth of Kentucky a road in Bracken County, beginning at a point in State Highway No. 10 in the village of Lenoxburg, via the existing public road to the village of Foster.

S. B. 78. An Act establishing a State primary road project leading from a point in the Campbellsburg-Bedford State Road No. 37 about two and one-half miles from Campbellsburg at the Joe Campbell and Will Clark property in Henry County thence following the county road down Campbell branch to State road from Sulphur to New Castle at Sulphur.

S. B. 104. An Act to establish a primary road project from the mouth of Emily Creek in Martin County thence up Emily Creek to the mouth of Copers Mine, thence up Copers Mine and across the hill to Lick branch to the Pike County line on the waters of Big Creek.

S. B. 105. An Act to establish a primary road project from the mouth of Wolf Creek in Martin County on the Garrett Highway to the Pike County line connecting with the Pikeville-Williamson Road.

S. B. 63. An Act establishing as a part of the highway system of highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland County, and leading to Black's Ferry, Monroe County, via Cloyd's Landing.

S. B. 65. An Act to establish a primary road project from U. S. Route No. 23 at the junction of the Van Lear road in Johnson County to the corporate limits of the town of Van Lear.

S. B. 88. An Act creating and establishing as a part of

the primary road system of highways of the State of Kentucky a road running from Pellyton in Adair County to a point intersecting with the State highway leading from Liberty to Campbellsville at or near Price's shop, said road to be designated by the State Highway Department with an appropriate project number.

S. B. 75. An Act to establish a State primary road project leading from Lockport in Henry County by the mouth of Pot Ripple to Gest and Monterey in Owen County.

S. B. 77. An Act establishing a State primary road project leading from the mouth of Drennon to New Castle State Road near Drennon Springs thence by way of Franklinton and Clubb Lane to State Highway No. 22 in Henry County.

S. B. 74. An Act establishing a State road project leading from Carroll up Six Mile Creek in Henry County, Kentucky to intersect with the Gest-Harpers Ferry State Road No. 37 turnpike.

S. B. 76. An Act establishing a State primary road project leading from a point in the New Castle-Port Royal State road about two miles south of Port Royal thence following the county road, thence by Turners Station to State Road 55 near Overhead Bridge at Campbellsburg.

S. B. 72. An Act relating to roads and bridges and amending Chapter 398 of the Acts of the General Assembly, 1928, bearing upon Road Project 433, striking from the said road project as set out in said chapter certain directions and points designated in said chapter for said road to pass.

S. B. 149. An Act relating to chiropractic, amending and re-enacting Section 8 of Chapter 123 of Acts of the General Assembly of 1928.

S. B. 89. An Act amending Chapter 187, Section 3 of

1926, making it mandatory to pay pension to persons with permanent disability under the provision of said chapter.

S. B. 175. An Act to amend Sections 216aa-68 and 216aa-69, Carroll's Kentucky Statutes, 1930 Edition, pertaining to inquests concerning the condition of the mind or mental faculty of persons.

S. B. 142. An Act to amend and re-enact Section 2625 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

S. B. 141. An Act to amend and re-enact Section 2622 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

Senator Lloyd of the Committee on Labor and Manufacturing to which had been referred a bill of the following title:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works; and further providing for definition of terms used, enforcement of and penalty for violation of this Act.

S. B. 57. An Act to repeal and re-enact Section 2290-B, Carroll's Kentucky Statutes, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8) shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth. And providing for the enforcement of and penalties for violation thereof.

ORDERS OF DAY

Senator Humphries moved that Senate Bill 9 be recommitted to the Committee on Veterans' Legislation.

Said motion was agreed to.

Senator Humphries moved that the Senate call from the Orders of the Day, House Bill 36 and put same upon its passage.

Said motion was agreed to by a majority of the members elected.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to engage in, carry on or conduct the business of contracting painter or decorator in cities of first and second class of the Commonwealth of Kentucky without first having obtained a license to do so. The term "person" for the purpose of this act shall be construed to mean any individual, firm, association or corporation. Any person engaged in the business of painting or decorating for a total fixed amount of compensation shall be considered to be a painter or decorator within the meaning of this act.

§ 2. Every person desiring to secure such license shall make application to the city in which he proposes to operate for a license, on blank forms to be supplied by said city. Such application shall state the name, business and residence address of the applicant, and if the applicant is a firm, association or corporation the names of its officers and their residences and the name of the person who will be in charge of his business, and the name under which the business is to be conducted in said cities.

§ 3. The annual license tax for persons engaged in carrying on or conducting the business of contracting painter or decorator shall be $50.00 to said city in which the said person proposes to do business.

§ 4. This act shall not apply to the United States Gov-

ernment, State, County, School District, City or their agencies or to any individual personally painting or decorating their own property, or to any person or persons that employ maintenance men by the year to perform painting or decorating on their own industrial property, or to any person or persons that employ men to perform painting or decorating in factories or shops.

§ 5. Any person violating or refusing to comply with any provision of this act, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than $10.00 nor more than $100.00, or by imprisonment in the county jail for a term not exceeding 30 days, or by both fine and imprisonment, and each day during said violation or refusal shall continue, shall constitute a separate and distinct offense.

§ 6. It shall be the duty of each contracting painter or decorator to first obtain a permit from the city to do any painting or decorating, and it shall be the duty of said city to issue such permits.

§ 7. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Senator Humphries moved that House Bill No. 36 be read for the third time by its title only and placed on its passage.

Said motion was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	J. M. Rose
Edwin C. Dawson	L. C. Littrell	R. H. Royster
Dr. T. J. Edge	Frank I. Lloyd	Dr. Lewis Ryans
Thos. C. Ferguson	Rev. C. D. McCaw	E. D. Stephenson
Walter N. Flippin	Wm. Mehler	Joe Stewart
Chas. G. Franklin	E. C. Moore	Fred C. VanHoose
Perry B. Gaines	Ray B. Moss	F. M. White
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Gates F. Young
Robert Humphreys		—34

Resolved that the title thereof be as aforesaid.

Senator Ryans moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Senator Rogers moved that a bill of the following title be passed and hold its place in the Orders of the Day:

S. B. No. 13. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the Government of Cities of the second class of the Commonwealth of Kentucky," approved February 12, 1930.

Said motion was agreed to.

Senator Yates moved that a bill of the following title be passed and hold its place in the Orders of the Day:

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 41. An Act relating to redemption of land sold for taxes and possession of same, to collection of delinquent taxes and to the duties of County Judges, Sheriffs, County Clerks and County Attorneys, amending Section 4151-2, Kentucky Statutes, Carroll's 1930 Edition.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4151-2, Kentucky Statutes, Carroll's 1930 Edition, be and the same is now amended by striking therefrom the words "with interest at the rate of ten per centum (10%) per annum and in addition fifteen per centum (15%) penalty upon the total amount of the purchase price," so that said section as thus amended will read as follows:

Section 4151-2. Land Sold for Taxes—Redemption—Possession—Clerk May Collect Delinquent Tax—Duties of County Judge—Sheriffs—Clerk—County Attorney.—When real estate is sold for taxes, if no one will bid for and purchase such real estate at the amount of tax, interest, penalty and cost, including the cost for advertising and the sheriff's or collector's commission, it shall be the duty of the sheriff or collector, to purchase the same for the State, county and taxing district having taxes against the delinquent for the amount of tax due, interest, penalty, costs and commissions thereon, and he shall make return to the county clerk as provided in Section 4162 of Article 8, and the clerk shall certify same to the Auditor of Public Accounts, and the sheriff or collector shall have credit for the amount of such tax due the State in the settlement with the Auditor of Public Accounts. Provided, same are certified to the Auditor of Public Accounts on or before the first day of June next after said tax became delinquent. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same

from the State, county and district or any other purchaser at the time within two years after the day of sale, by paying the purchase money and the amount of all costs. The State, county and district shall have the right to possession of lands purchased by them at any time after the expiration of thirty days from the giving of the notice provided for in next section, and the purchaser, other than the State, county or district, shall have the right to the possessions of the lands purchased by him at any time after the expiration of six months from the giving of the notice provided for in Section 4153. In the redemption of land sold to the State, county, and district for delinquent taxes at any time within the period of two years after the sale, or until the revenue agent, under the direction of the Auditor of Public Accounts, assumes charge of the collection by sale or otherwise, the county clerk is hereby vested with the authority to collect such delinquent taxes, interest, cost, commissions and penalties as prescribed by law, and he shall make report thereof to the Auditor of Public Accounts, the treasurer of the county and the proper officer of the district as often as the latter officers may require, and not less than once in every thirty days; and he shall pay into the State treasury all moneys collected by him due the State, and the county treasury all moneys due the county, and all moneys due the district to the proper officers thereof, as herein authorized, on the first day of every month and oftener if required by the Auditor of Public Accounts or either of the officers mentioned. Said report of the county clerk showing the name of each owner and each piece of property redeemed, the year's taxes for which delinquent, the assessed valuation for the same for each year, and the total amount paid to the State, county and districts for redemption shall be examined by the judge of the county court, and if found correct certified to the Auditor of Public Accounts; together with the total sum the State, as shown on said report, less five per centum (5%) commission for the collection which he shall retain for his services.

Senator Van Hoose moved that the third reading of said bill at length be dispensed with and that it be read by its title only, and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McClaw	Joe Stewart
Thos. C. Ferguson	Wm. Mehler	Thos. O. Turner
Walter N. Flippin	E. C. Moore	Fred C. VanHoose
Perry B. Gaines	Ray B. Moss	F. M. White
Arch Hamilton	Marion F. Pogue	W. A. Yates
J. S. W. Holloway	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Van Hoose moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 139. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

Senator Franklin moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 85. An Act to amend and re-enact Section 1954b-11 of Carroll's Kentucky Statutes, 1930 edition, relating to fur bearing animals changing the date of the closed season.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1945b-11 of Carroll's Kentucky Statutes, 1930 edition, be amended by striking out the word "January" and substituting therefor the word "February" so that said section as so amended and re-enacted will read as follows:

No person shall take, trap, shoot or kill any beaver, mink, raccoon, fox, otter, opossum or skunk in the State of Kentucky from the first day of February to the 14th day of November, both days inclusive, of any year; except that the raccoon, opossum, skunk and mink may also be taken and killed by dog or gun between the first day of October and the 15th day of February, both days inclusive, of any year; Provided, however, that when any of the animals mentioned in this section are found injuring or doing damage to or destroying any property, the person whose property is being damaged, injured or destroyed, may at any time kill them on his own premises when necessary for the protection of his property. Any person violating this section, or any portion thereof, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) for each offense to which may be added imprisonment in county jail not exceeding thirty days.

Senator Royster moved that the third reading of said bill at length be dispensed with and be read by its title only, and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	Alex E. Johnson	Dr. Lewis Ryans
H. M. Brock	L. C. Littrell	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Joe Stewart
Dr. T. J. Edge	Rev. C. D. McCaw	Thos. O. Turner
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	E. C. Moore	F. M. White
Chas. G. Franklin	Ray B. Moss	W. A. Yates
Perry B. Gaines	Marion F. Pogue	Allie W. Young
J. S. W. Holloway	Dr. G. W. Ragan	Gates F. Young
Robert Humphreys	O. M. Rogers	
Wm. Isaacs	J. M. Rose	—34

Resolved that the title thereof be as aforesaid.

Senator Royster moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 87. An Act relating to the conveyance of the Perryville Battlefield to the United States of America for national cemetery or park purposes.

Senator Moore moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

S. B. 14. An Act to repeal Section 1697 Carroll's Kentucky Statutes 1930 and enacting in its stead an Act fixing the exemptions from execution attachment distress or fee bill of persons with a family resident in this Commonwealth.

Senator Flippin moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 52. An Act to Amend Paragraph Eleven (11), Section 1938a, Chapter 57, and Paragraph Twenty-four (24), Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's 1930 Edition, relating to open season and bag limit on quail or bobwhite, and license to hunt, and providing for statement of game birds and animals killed, by adding thereto the language as hereinafter set out.

Senator Humphries moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 5. An Act relating to roads and bridges and establishing as a part of the State Primary Highway System a road leading from Smithland, Livingston County, Kentucky to Madisonville, Kentucky, to be known hereafter, as the Ruby Laffoon Trail and designating same, as State Project No.—.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Smithland, Livingston County, Kentucky, via, Tiline, Dycusburg Ferry on Cumberland River; thence via Frances, and Mexico over State Project No.—, to State Highway No. 91, at Cliffie McClure's; thence over Highway No. 91, to Marion; thence over State Project No.—, to Shady Grove, Crittenden County; thence across Tradewater River to Providence, Webster County, connecting with Federal Highway No. 41; thence with said Federal Highway to Madisonville, Hopkins County, Kentucky.

§ 2. Said road shall be designated as Project No.—.

§ 3. This road shall hereafter be known as the Ruby Laffoon Trail, in honor of the present Governor of Kentucky.

Senator Pogue moved that the third reading of said bill at length be dispensed with, and be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	Alex E. Johnson	Dr. Lewis Ryans
H. M. Brock	L. C. Littrell	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Joe Stewart
Dr. T. J. Edge	Rev. C. D. McCaw	Thos. O. Turner
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	E. C. Moore	F. M. White
Chas. G. Franklin	Ray B. Moss	W. A. Yates
Perry B. Gaines	Marion F. Pogue	Allie W. Young
J. S. W. Holloway	Dr. G. W. Ragan	Gates F. Young
Robert Humphreys	O. M. Rogers	
Wm. Isaacs	J. M. Rose	—34

Resolved that the title thereof be as aforesaid.

Senator Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution of the following title:

H. Res. No. 10. Resolution memorializing Congress to appoint a Commission to celebrate the siege of Bryan Station and the Battle of Blue Licks in August 1932.

Senator White moved that said resolution be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 30. An Act to repeal and re-enact Section No.

4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 157. An Act prohibiting cattle from running or trespassing on State and national parks, encampment grounds, scout camps, and grounds dedicated to religious, educational and recreational purposes, and providing penalties therefor.

Senator Moss moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

THURSDAY, JANUARY 28, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Dr. Hampton Adams of the First Christian Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	Alex E. Johnson	Dr. Lewis Ryans
H. M. Brock	L. C. Littrell	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Joe Stewart
Dr. T. J. Edge	Rev. C. D. McCaw	Thos. O. Turner
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	E. C. Moore	F. M. White
Chas. G. Franklin	Ray B. Moss	Sewell B. Williams
Perry B. Gaines	D. C. Naive	W. A. Yates
Arch Hamilton	Marion F. Pogue	Allie W. Young
J. S. W. Holloway	Dr. G. W. Ragan	Gates F. Young
Robert Humphreys	O. M. Rogers	
Wm. Isaacs	J. M. Rose	—37

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Gaines moved that the privileges of the floor be extended to Messrs. J. C. Bryant, Reese Bush, B. W. Cubbage, H. S. Cleeland and J. W. Bush.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Messrs. James Manion, W. G. Schoepflin, A. E. Smith, W. C. Tharp, R. C. Swetman and John Shilts.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Messrs. J. M. Theobald and T. D. Theobald.

Said motion was agreed to.

Senator Ryans moved that the privileges of the floor be extended to Miss Helen Posey of Louisville.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz:

By Senator Royster.

S. B. 246. An Act creating a Board of Commissioners composed of the County Judge, Sheriff and Circuit Court Clerk of each county in Kentucky, to have control of a system of old age pensions and providing for pensions to indigent persons over seventy years of age.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there may be established, in each county in the State of Kentucky, a board of commissioners composed of the county judge, sheriff and circuit court clerk and hereafter known as the Board of Commissioners, a system of old age pensions, in accordance with the provisions of this Act.

§ 2. The board of commissioners of each county, by virtue of its office, shall have the exclusive control and administration of the old age pension system of such county, as provided for in this act.

§ 3. Any person while residing in a county shall, under the provisions of this act, be entitled to receive a pension, the amount of which shall be fixed with due regard to the conditions in each case, but in no case shall it be an amount greater than twenty-five dollars per month when added to any other income of the applicant, nor shall such pension, in any case, exceed three hundred dollars per annum.

§ 4. An old age pension may be granted only to an applicant who:

(1) Has attained the age of seventy years.

(2) Has been a citizen of the United States for at least fifteen years before making application for a pension.

(3) Has resided in the State and in the county in which he or she makes application continuously for at least fifteen years; but continuous residence in the State and county shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods of absence does not exceed three years; Provided, That absence in the service of the State of Kentucky or of the United States shall not be deemed to interrupt residence in the State or county if a domicile be not acquired outside of the State or county.

(4) Is not, at the date of making application, an inmate of any jail, workhouse, prison, or any other public correctional institution.

(5) During the period of ten years immediately preceding the date of application has not been convicted of a felony.

(6) If a husband, has not, without just cause, failed to support his wife, and children under fifteen years of age, for a period of three years or more, immediately preceding an application for pension; or, if a wife, has not, without just cause, deserted her husband, or children under fifteen years of age, for a period of three years or more immediately preceding an application for pension.

(7) Has not, within three years preceding an application for pension, been a habitual tramp or beggar.

(8) Has no child or other person responsible under the laws of this State for his support and able to support him.

§ 5. No old age pension shall be granted or paid to a person:

(1) While or during the time he or she is an inmate of and receives the necessities of life from any charitable or correctional institution maintained by the State or by any of the political sub-divisions of the State.

(2) If the value of his or her property or the combined property of husband and wife living together exceeds one thousand dollars.

(3) Who has transferred or disposed of any property directly or indirectly for the purpose of qualifying for a pension.

§ 6. The applicant for a pension shall file his or her application, in writing, with the board of commissioners having charge of the administration of this act, in the county in which the applicant resides, in such manner and form as shall be prescribed by the board of commissioners and the State, as hereinafter provided, and the application form shall be furnished to the applicant by the circuit court clerk of the county. The application shall be subscribed and sworn to before an officer authorized to administer oaths. The Circuit Court Clerk of the county shall be the clerk of the board of commissioners having charge of the administration of the provisions of this act, and as such clerk, shall keep a record of all applications for pensions, which record shall be in effect a duplicate of such applications and shall show what steps have been taken from time to time in connection therewith, and the findings and orders of such board of commissioners therein. Such record shall be known as the old age pension record and shall be open to examination by the public at all reasonable times during office hours.

§ 7. Upon the presentation of an application for a pension, the board of commissioners shall promptly make, or cause to be made, such investigations as it may deem necessary. The board shall hear the applicant, or his or her representatives, and shall have the power to issue subpoenas for any witness or witnesses to testify on the behalf of or against the applicant, and shall make any other investigations that the

board may deem necessary, by referring the application to a probation officer, or to any other officer of the county, who shall make a report to the board of his investigation. After a hearing of the evidence and a thorough investigation, the board shall decide upon the application and fix the amount of pension, if any.

§ 8. Any applicant whose application for a pension shall have been rejected, shall not again apply for a pension until the expiration of twelve months from the date of his or her previous application.

§ 9. The circuit court clerk of the county, as clerk of the pensions board, shall issue to each applicant to whom a pension is granted, a certificate, stating the date on which the payment of the pension shall commence and the amount of each installment thereof, which shall be paid quarterly. At the same time, the clerk shall issue a duplicate certificate to the auditor of the State, for his record, as hereinafter provided. If it appears, at any time, that the circumstances of any pensioner have changed, the board of commissioners may revoke or modify the pension certificate issued to such pensioner, and payments shall be made, or discontinued, in accordance with the order of the board.

§ 10. On the death of a pensioner, such reasonable funeral expenses for burial shall be paid on behalf of such person as the board of commissioners may direct: Provided, That such expenses shall not exceed one hundred dollars: and, Provided, further, That the estate of the deceased is insufficient to defray such expenses.

§ 11. During the continuance of a pension, no pensioner shall receive any relief from the State or from any political subdivision thereof, except for medical or surgical assistance, or for hospital expenses.

§ 12. If a pensioner is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or herself, and of his or her money, the board of commis-

sioners may direct that the payment of the installments of the pension of such pensioner shall be made to some responsible person or corporation, for his or her benefit, or may suspend payment for such a period as the board shall deem advisable.

§ 13. All pensions shall be exempt from any tax levied by the State or by any political subdivision thereof, and shall likewise be exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be inalienable in any form.

§ 14. If at any time, the board of commissioners has reason to believe that a pension certificate has been improperly obtained, it shall cause special inquiry to be made, and may suspend payment of any installment pending the inquiry. If, after such inquiry, it appears that the certificate was improperly obtained, it shall be cancelled, but if it appears that the certificate was properly obtained, the suspended payments shall be payable in due course.

§ 15. Any person who, by means of a wilfully false statement or representation, or by impersonation, or by any other fraudulent device, obtains, or attempts to obtain, or aids or abets any person in obtaining a pension certificate to which he or she is not entitled, or a larger pension than that to which he or she is justly entitled, or payment of any forfeited installment of pension, or aids, or abets in buying or in any way disposing of property of the pensioner, without the consent of the board of commissioners, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or be imprisoned for not more than six months or be punished by both such fine and imprisonment, in the discretion of the court trying such cause.

Any person who violates any of the provisions of this Act, for which no penalty is specifically provided, shall be subject to a fine not exceeding five hundred dollars, or to imprisonment not exceeding one year, or to both such fine and imprisonment.

When a pensioner is convicted of any offense under this section, the judge trying such cause shall make an order that the certificate shall be cancelled, and a certified copy of such order shall be prepared by the clerk of the court in which such cause is tried, and such order shall be delivered to the clerk of the board of county commissioners, and shall be spread of record in the old age pension record by the auditor of the county, who shall forward a copy of the same to the State Auditor for his record.

§ 16. If a pensioner is convicted of any misdemeanor or felony, punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment.

§ 17. The board of county commissioners of each county, shall prepare the necessary estimates of money which will be required to pay the county's share of old age pensions during the ensuing year and shall submit such estimates to the Fiscal Court at the time when other estimates are prepared and submitted, to be included in the county budget, and the Fiscal Court shall annually appropriate a sum of money, and annually levy a tax, sufficient to carry out the provisions of this act, which tax shall be collected as other taxes and paid into the county treasury. Upon the written order of the board of commissioners, the county auditor shall issue warrants on the treasurer of the county to pay pensioners the amounts of their awards, and the auditor shall apply the amounts so ordered to be paid as pensions, as provided under the provisions of this Act.

§ 18. Each county in the State of Kentucky shall be reimbursed by the State of Kentucky in a sum equal to one-half of all money paid out by such county for old age pensions to its residents. The Circuit Court Clerk shall make a report to the State Auditor, which shall be submitted on January 1st and July 1st of each year, showing in detail the amounts which, under this act, have been paid as pensions by such county, giving the name of each pensioner and amount to such

pensioner and the amount that the State should reimburse such county, and the State auditor shall reimburse such county for one-half of the amount so paid out, by a proper State warrant. The State auditor, in making his estimate of expenses, shall include in his budget a sufficient sum to pay the State's proportionate part in reimbursing the counties for money paid out under this act, and the General Assembly shall appropriate a sufficient amount annually to reimburse the counties for money so paid out under this act.

§ 19. The auditor of State shall have charge of the promulgation of the rules and regulations as to forms, applications, records and accounts, shall prescribe such forms, records, accounts, applications and reports, as may be necessary to carry out the purpose and intent of this act. The auditor of State shall cause to be printed all forms, including applications, records, accounts, and reports, and shall furnish and mail to the auditor of each county, from time to time, as the circuit court clerk may request, a sufficient number of such forms, applications, records and reports as may be necessary for carrying out the provisions of this act. The auditor of State shall file a claim for the cost, including the printing, of such applications, forms, accounts and records with the board of commissioners of the county and the board of commissioners shall allow such claim, and such claim shall be paid out of the funds of the county appropriated for such expenses.

§ 20. Each pensioner under the provisions of this act shall file such reports with the board of commissioners of the county as the board may, from time to time, require. If it appears, at any time, that the applicant's circumstances have changed, the board of commissioners may reject or modify any pension certificate issued. Any pension paid in excess of the amount due under the provisions of this act, shall be returned to the county and may be recoverable as a debt due the county. The county shall reimburse the State in a proportionate part of the excess of the amount of said pension so paid by the State.

§ 20. Any applicant, or any tax payer of the county, shall have the right of an appeal from the finding of the board of commissioners to the circuit, superior or probate court of the county, on the rejection of any application, the modification of any award, the granting of any award, or the failure to modify any award. The party taking the appeal shall have transcript prepared of the application and the finding of the board. The transcript shall be prepared by the clerk of the board of commissioners, upon the filing by the party desiring an appeal of a written request therefor. The transcript shall be certified to by the circuit clerk of the county as clerk of the board of commissioners, and shall be filed with the clerk of the circuit court of the county and docketed as a cause pending in the circuit, superior or probate court. The application and transcript shall constitute the complaint or record in such case. The court having jurisdiction thereof shall hear such cause de novo and make such finding and order therein as the court may deem just and proper, from which decision there shall be no appeal. The clerk of the court shall immediately make a certified copy of the finding and order of the court in such cause and shall file the same as clerk of the board of commissioners having control of the administration of the old age pension system of the county. Any cost occasioned by the appeal, as herein provided, shall be paid by the parties as provided by law.

§ 22. It is not the intent or purpose of this act to relieve any person or persons charged with the responsibility of carrying for any parent, from discharging such responsibility, as provided by the laws of this State.

§ 23. No pension granted under the provisions of this act shall be available or made payable before April 1st, 1933.

§24. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

§ 25. If any section of this act or any part thereof, shall be declared unconstitutional, such declaration shall not in-

validate any other section or sections or parts of section of this act.

By Senator Ferguson.

S. B. 247. An Act establishing as a part of the primary system of State roads and highways, a road leading from G. D. James' store in Edmonson County, via Houchin's Ferry and Ollie to Mammoth Cave.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Roads and Highways, a road leading from G. D. James' store in Edmonson County, via Houchin's Ferry and Ollie to Mammoth Cave.

§ 2. The said road to have and receive all the benefits of the State Primary Road System under Chapter 17 of the Acts of 1920.

By Senator Rogers.

S. B. 248. An Act enabling cities of the second class to construct, operate and maintain a municipal light, heat and power plant; providing for a commission in such cities of the second class to construct, operate and maintain such municipal light, heat and power plant, and fixing the powers and duties of such commission, and providing for the issuance of revenue bonds of such cities to pay the costs thereof, payable solely through revenue derived from the sale of electrical current from such light, heat and power plant without the incurrence of indebtedness of any such city.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions. The words "municipal light, heat and power plant," whenever used in this act, shall include the actual building wherein power is generated, including all wires, generators, equipment and appliances, poles and everything necessary and incident toward the generation and distribution of electrical current to consumers. The terms "cost of a municipal light, heat & power plant" as used in this act shall include the act of constructing all buildings, and the acquisition of ground for site of said generating plant, shall include the cost of the construction, including any franchises, easements, rights or damages incident thereto or consequent upon the taking thereof, shall include engineering, cost for the construction survey, necessary estimates as to the amount of electrical current consumed for the purpose of estimating the amount of electrical energy that will be consumed when said plant is put into operation, interest upon bonds and such other expenses as after the beginning of operation would be a part of the cost of the maintenance, operation and repairs. The words maintenance, operation and repair or similar words shall be deemed to include expenses for administrations, audits, insurance, indemnifying bonds, disbursements of moneys, trusteeship, engineering and incidental expenses. The term "Commission" as used in this act, shall be construed to mean the Commission formed in cities of the second class, bearing the name of said city.

The term "owner" used in this Act, shall be construed to mean all individuals, incorporated companies and religious, benevolent, literary or other societies or associations, having any title or interest in lands, structures, rights of way, franchises, easements or other interests in lands.

§ 2. Municipal Light, Heat & Power Commission. That

the mayor of any city of the second class, with the approval of the legislative body of the city may appoint four persons, who with the mayor ex-officio, shall constitute a municipal light, heat & power commission. Each appointee shall be at least twenty-five years of age. No officer or employee of said city, whether holding a paid or unpaid office, shall be eligible to hold an appointment on said commission. Such appointee shall be originally appointed for terms of four years. Upon the expiration of such terms, appointments shall be made in like manner, except that the terms of the four appointees shall be for one year, two years, three years and four years respectively, and the successors of such appointees shall be appointed in like manner, each for a period of four years. Not more than two of such appointees shall be members of the same political party. Vacancies shall be filled for any unexpired term in the same manner as the original appointment. The persons appointed, as provided herein, shall constitute a body corporate under the name of (insert name of city) Light, Heat & Power Commission, and shall have power to contract and be contracted with, to sue and be sued in that name and to adopt a seal and alter same at pleasure. Said commission shall elect a chairman and a vice chairman from its members, and a secretary and treasurer who need not be members of such commission. The members of the commission, except the mayor, shall receive such compensation as may be fixed by the legislative body of the city, either as a salary or as payment for meetings attended, but the maximum compensation of the chairman in any year shall not exceed twenty-five hundred dollars, and of each other member shall not exceed fifteen hundred dollars. The commission shall fix the compensation of the secretary and treasurer in its discretion. The commission shall have power to establish by-laws, rules and regulations for its own government and to make and enter into all contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers under this act. The commission may employ engineering, architectural and construction experts and inspectors and attorneys, and such other employees as may be necessary in its opinion and fix their compensation, all of

whom shall do such work as the commission shall direct. All salaries and compensation shall be paid solely from the funds provided under authority of this act.

§ 3. Powers of Municipal Light, Heat & Power Commission. The commission is hereby authorized and it shall be its duty to prepare the necessary and proper plans and specifications for the construction of the municipal light, heat & power plant, to select the location for same, determine the size, type and method of construction thereof, to make the necessary estimates of the probable cost of construction and the acquisition of the land and rights to buy or take over any existing light plant that may be furnishing electrical current to the city, to enter into the necessary contracts, to build and equip said plant, to secure the services of engineers and to cause a survey to be made of all lands, structures, rights of way, franchises, easements, the acquisition of which may be deemed necessary for the construction of such municipal light plant. The members of the commission or its agents and employees, may enter upon the lands and structures within the Commonwealth, notwithstanding any interest in such lands or structures, for the purpose of making such surveys, plans, maps or specifications; provided, however, that the commission shall not proceed to exercise or carry out any authority or power herein given it to bind said commission beyond the extent to which money has been provided under the authority of this act. No contract or agreement with any contractor or contractors for the construction of such municipal light, heat and power plants exceeding in amount the sum of twenty-five hundred dollars ($2,500.00) shall be made without advertisement for bids, which bids shall be opened publicly and an award made to the best bidder, with power in the commission to reject any or all bids.

§ 4. Acquisition of Property. The commission is hereby authorized to purchase in the Commonwealth of Kentucky and in any adjoining State, solely from funds provided under the authority of this act, such lands, structures, rights of way, franchises, easements or other interests in lands, of any person, railroad or other or private corporation or municipality

necessary for the building of said municipal light, heat & power plant upon such terms, prices or consideration as may be considered by it to be reasonable, and can be agreed upon between it and the owner or owners, title thereto to be taken in the name of the city.

§ 5. Condemnation of Property. Whenever it shall be necessary to condemn property within the Commonwealth of Kentucky for the purpose of constructing any portion of said municipal light, heat and power plant and distribution system, the commission may condemn any interest, franchises, easements, rights or privileges, land or improvements which may, in its opinion, be necessary for the purpose of constructing a municipal light, heat & power plant or distribution system. Condemnation shall be had in the name of the commission and the method thereof shall be the same as provided for the condemnation for appropriate municipal purposes by cities of the second class. Title to property condemned shall be taken in the name of the city.

§ 6. Removal of Obstructions. All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstruction in, over or upon the public streets, lanes, alleys, highways which shall interfere with or impede the progress of said municipal light, heat & power plant and distribution system when in process of construction and establishment, shall upon reasonable notice from the commission promptly so shift, adjust, accommodate or remove the same at their own cost and expense, except as otherwise provided or required by law, as fully to meet the exigencies occasioning such action and the city legislative body shall have full power by ordinances to prescribe the penalty for such failure.

§ 7. Control by Commission. The Commission shall operate, manage and control such municipal light, heat and power plant and distribution system in their entirety, fix a schedule of rates for light, heat and power, establishing by-laws and rules and regulations for the use and operation of

said plant and distribution system and select such employees as it deems necessary and fix their compensation.

§ 8. Public Ways and Works Restored to Original Conditions. Any public ways or public works damaged or destroyed by reason of the building of such municipal light, heat & power plant and distribution system shall be restored or repaired by the commission and placed in their original condition as near as practicable.

§ 9. Revenue Bonds. Nothing in this act contained shall be so construed as to authorize or permit any city to incur any indebtedness of any kind or nature as contemplated by the provisions of the Constitution of the Commonwealth in relation to the indebtedness of cities. Cities of the second class are hereby authorized to provide funds for the purpose of this act by the issuance of revenue bonds of such cities by an ordinance or resolution of the commission and without a vote of the voters, the principal and interest of which bonds shall be payable solely from the special funds herein provided for such payment. Such revenue bonds shall bear interest at not more than four and one-half per centum (4½%) per annum, payable semi-annually and shall mature in no more than twenty (20) years from their date or dates and may be made redeemable at the option of the city issuing the same, to be exercised through the commission at not more than the par value thereof and a premium of five per centum (5%) under such terms and conditions as the commission may fix prior to the issuance of such bonds. The commission shall provide the form of such bonds, including coupons to be attached thereto to evidence interest payment, which bonds shall be signed by the chairman of the commission and by the chief executive officer of the city under the city's seal, attested by a financial officer of the city, and which coupons shall bear the facsimile signatures of said chairman and said chief executive officer, and shall fix the denominations of such bonds and the place or places or payment of the principal and interest thereof, which may be at the office of the city treasurer and/or any bank or trust company in the Commonwealth of Kentucky or in the City of New York. The said bonds shall be exempt from taxa-

tion by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof. The commission may provide for the registration of such bonds in the name of the owner as to principal alone and as to both principal and interest. Such bonds may be sold in such manner as the commission may determine to be for the best interest of the city, taking into consideration the financial responsibility of the purchaser and the terms and conditions of the purchase and especially the availability of the proceeds of the bonds when required for payment of the cost, such sale to be at not less than ninety-two cents (92c) on the dollar and accrued interest, and the proceeds of such bonds shall be used solely for the payment of the cost of the municipal light, heat, and power plant and distribution system as such cost is defined in this act, and be checked out by the chairman or vice chairman of the commission and the secretary and treasurer thereof, and under such further restrictions, if any, as the commission may provide. If the face amount of such bonds, less any discount on the sale thereof not exceeding eight per centum (8%) of the face value as permitted by this act, shall exceed such cost, the surplus shall be paid into the fund hereinafter provided for payment of the principal and interest of such bonds. The commission shall have the right to purchase any of such bonds that may be outstanding at the market price, but at not exceeding 105 and accrued interest nor exceeding the price, if any, at which the same shall in the same year be redeemable, and all bonds redeemed or purchased shall forthwith be canceled and shall not again be issued. Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The commission may enter into an agreement with any trust company in the Commonwealth as trustee for the holders of such bonds, setting forth the duties of the city and the commission in respect of the construction, maintenance, operation and insurance of any such municipal light, heat and power plant and distribution system, the conservation and application of all funds, the insurance of moneys on hand or on deposit and the rights and remedies of said trustee

and the holders of such bonds, restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds of corporations. Said trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustees and the bondholders as may be reasonable and proper, and also a provision for approval by the original bond purchasers of the appointment of consulting engineers and of the security given by contractors building said municipal light, heat & power plant and distribution system and by any bank or trust company in which the proceeds of bonds or rates charged or other moneys of the commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers. The said bonds may be issued without a vote of the voters and without any other proceeding or happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this act or by the Constitution of the Commonwealth.

§10. Rates. The rates to be charged for light, heat and power shall be so fixed and adjusted as to provide a fund sufficient to pay the interest and principal of bonds issued under this act and to provide an additional fund to pay the cost of maintaining, repairing and operating said municipal light, heat and power plant and distribution system. Such rates, except such part thereof as may be necessary to pay such cost of maintaining, repairing and operating during any period in which such cost is not otherwise provided for during which period the rates may be reduced accordingly, shall be placed in a special fund which is hereby pledged to and charged with the payment of such bonds and the interest thereon.

§ 11. If any section of this Act should be construed by the courts, as being in violation of the Constitution, it shall in no way effect the other provisions of this Act.

By Senator Jacobs.

S. B. 249. An Act providing for the appointment of city

attorney in cities of the fifth class and repealing section 3619, 3649, Kentucky Statutes, Carroll's Edition, 1930.

To Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Repealing Kentucky Statutes 3619.

§ 1. That section 12, chapter 250 of an Act of the General Assembly of the Commonwealth of Kentucky, session 1893, providing for the appointment of certain officers and employees for cities of the Fifth Class by the City Council of said cities, and known as section 3619, Kentucky Statutes, be and the same is hereby repealed.

Amending Kentucky Statutes 3649.

§ 2. That section 3 of chapter 84 of an Act of the General Assembly of the Commonwealth of Kentucky, Session of 1902, providing for the employment by the City Council of cities of the Fifth Class in special cases and known as section 3649, Kentucky Statutes, Carroll's Edition 1930, be and the same is hereby amended so as to read:

The City Council may employ an attorney for the city who may not reside in said city and he shall be paid such compensation and perform such duties as the City Council may, by ordinance, prescribe and may be removed at any time at the pleasure of the City Council.

§ 3. That all acts or parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

By Senator Ferguson.

S. B. 250. An Act establishing as a part of the Primary

System of State Highways of the Commonwealth of Kentucky a road leading from Rocky Hill, in Edmonson County, to Merry Oaks, in Barren County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky a road leading from Rocky Hill, in Edmonson County, to Merry Oaks, in Barren County.

§ 2. The maintenance, construction, supervision, and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, as amended, establishing and creating the primary system of roads and highways of this Commonwealth, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State Highways as provided therein.

§3. Said road shall be known and designated as Project No.—.

By Senator Pogue.

S. B. 251. An Act to add to the State primary system of highways a road from Marion, Crittenden County via Chapel Hill and View Vicinity to Francis, Crittenden County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the State primary road system a

road leading from Marion, via Chapel Hill and View Vicinity to Francis, Crittenden County; said project to be designated as State Highway Project No.—.

By Senator Rose.

S. B. 252. An Act to repeal, amend, and re-enact Section 1 of Chapter 152 of the Acts of the General Assembly of Kentucky of 1930, approved March 1, 1930, relating to revenue and taxation, same being Section 4019 as compiled in Baldwin's Kentucky Statute Service, 1930 Edition, supplementing Carroll's Kentucky Statutes.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of Chapter 152 of the Acts of the General Assembly of Kentucky of 1930, approved March 1, 1930, relating to revenue and taxation, same being Section 4019 as compiled in Baldwin's Kentucky Statute Service, 1930 Edition, supplementing Carroll's Kentucky Statutes, be repealed, amended, and re-enacted so that when said section is repealed, amended and re-enacted the same shall read as follows:

An annual ad valorem tax for State purposes of thirty (30) cents upon each one hundred dollars ($100.00) of value of all real estate directed to be assessed for taxation, as provided by law and fifty cents upon each one hundred dollars ($100.00) of value of all other property directed to be assessed for taxation, as provided by law, shall be paid by the owner, person or corporation assessed; except a tax at the rate of one-tenth of one per cent (0.1%) shall be paid annually upon the amount of deposits in any bank, trust company, or combined bank and trust company, organized under

the laws of this State, or in any national bank of this State, as now provided by law; and also including building and loan associations incorporated under the laws of this State, and making loans to members only, which association shall be assessed except as otherwise provided by law in the manner and at the rate now set forth in Chapter 14 of the Acts of the extraordinary session of General Assembly of 1917 (Sections 4019a-6, 4019a-7 and 4019a-8).

Of the aggregate amount of tax realized by all assessments made of and levied upon real estate, plus the aggregate amount of all tax realized by all assessments and franchise, shares of stock, money in hand, notes, bonds, accounts, and other credits, whether secured by mortgage, pledge, or otherwise, or unsecured, including the tax on bank deposits and upon shares of building and loan associations.

Sixty-nine per cent (69%) shall be used for the support of the common schools;

Three and five-sixths per cent (3 5/6%) for the use of the sinking fund;

Six and seven-tenths per cent (6 7/10%) thereof, plus fifty per cent (50%) of the inheritance taxes collected, for the support and erection of buildings for the University of Kentucky at Lexington;

Two and one-third per cent (2 1/3%) thereof, plus twelve and one-half per cent (12½%) of the inheritance taxes, for the support and erection of buildings for the Eastern Kentucky State Normal School and Teachers' College, at Richmond.

Two and nineteen-thirtieths per cent (2 19/30%) thereof, plus twenty-five per cent (25%) of the inheritance taxes, for the support and erection of buildings for the Western Kentucky State Normal School and Teachers' College, at Bowling Green.

Two per cent (2%) thereof, plus six and one-fourth per cent (6¼%) of the inheritance taxes, for the support and erection of buildings for the Morehead State Normal School and Teachers' College at Morehead.

Two per cent (2%) thereof, plus six and one-fourth per cent (6¼%) of the inheritance taxes, for the support and erection of buildings for the Murray State Normal School and Teachers' College, at Murray.

Eight per cent (8%) thereof for a period of two years is hereby set aside and appropriated to be used in the purchase and distribution of free textbooks as provided in Section 4421c-1, Carroll's Kentucky Statutes, 1930 Edition.

Three and one-half per cent (3½%) thereof, plus all funds realized from automobile licenses, gasoline taxes and motor bus licenses now collected by law, or that may hereafter be imposed or collected by law for the construction, reconstruction, maintenance and repair of roads and highways: and

The aggregate amount of all other State revenue realized from every other source not mentioned or distributed above, shall be credited to the general fund for the use of the ordinary expense of the government.

And the Auditor of Public Accounts will make distribution of said tax in accordance with the said apportionment at the end of each month.

The tax herein provided for the University of Kentucky and the Normal schools shall be paid monthly, when and as collected, to the treasurers of these institutions in the amount set forth in this section, and shall be used by the University of Kentucky and the Normal schools for their maintenance and support, and when sufficient sums shall have accumulated in the treasuries thereof, it may be used for the erection of buildings and the purchase of land and equipment.

All Acts and parts of Acts in conflict herewith are hereby repealed to the extent of such conflicts.

By Senator Gates F. Young.

S. B. 253. An Act relating to elections.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person, being qualified, otherwise than as to residence in the State and county, to vote in any primary or general election held in this State or any subdivision thereof, and who had theretofore come into the State, or into the county in which such election is held, from some other State, or into the county from some other county, for the purpose of attending any college or university located in this State, shall be entitled to vote in such primary or regular election upon complying with the following conditions, and registering his intention to become a resident of the State or county, as the case may be in the following manner:

(a) If the person offering to vote in such primary or regular election had theretofore been a resident of some other State, such person shall have filed with the County Court Clerk of the County in which the election is held, one year before the day of such election, a written, signed and dated statement to the effect that such person, at the time of the making of such statement, in good faith intended then to be and become a resident of the Commonwealth.

(b) If such person offering to vote in such primary or regular election had theretofore been a resident of this State, but a non-resident of the county in which such person offers to vote, shall have filed with the County Court Clerk of the

county in which such election is held, six months before the day of said primary or general election a written, signed and dated statement to the effect that such person at the time of the making of such statement in good faith intended then to be and become a resident of such county.

§ 2. The County Court Clerk with whom such statement is filed, shall lodge and safely keep such statements, and shall list them alphabetically in a book to be kept for the purpose, and shall give each statement a serial number, which number shall be noted on the alphabetical list, and which list together with the statements shall constitute a public record. When a clerk furnishes the ballots and other voting paraphernalia to the election officers he shall also furnish a copy of the list to the officers of election in each precinct of the county.

§ 3. Any person not a resident of the State, or of the county in which such college or university is located, and who has come into the State or such county for the purpose of attending such college or university, and who shall vote in any primary or general election without having first complied with the foregoing Section 1 of this Act, shall be deemed to be guilty of a misdemeanor, and punished on conviction by a fine of not less than fifty nor more than two hundred dollars, or imprisoned in jail for not less than ten nor more than sixty days, or both so fined and imprisoned within the limits fixed herein, and any clerk failing to comply with the duties herein imposed shall, upon conviction, be punished in like manner.

§ 4. For filing and recording each statement required hereunder, the County Court Clerk shall be paid ten cents (10c); and for each name furnished to the officers of election in each precinct he shall be allowed one cent (1c). This cost to be paid as other election and registration expenses are now paid.

§ 5. The provisions of this law shall not apply to persons offering to vote in elections held in cities where registration of voters is required.

By Senator Lloyd.

S. B. 254. An Act to amend and to re-enact Section Seventeen Hundred Sixty-three (1763) of Carroll's Kentucky Statutes, Nineteen Hundred and Thirty Edition, as amended by Chapters 113 and 123 of the Acts of the General Assembly of 1930, and to fix the salary of the Chief Deputy in the office of the Sheriff in Counties having a population of Two Hundred Thousand or over.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section Seventeen Hundred Sixty-three (1763) of Carroll's Kentucky Statutes, 1930 Edition, as amended by Chapters 113 and 123 of the Acts of the General Assembly of 1930, be and the same is hereby amended, by striking therefrom the words and figures Twenty-five Hundred ($2500.00) Dollars'' in connection with the salary of the Chief Deputy Sheriffs in counties having a population of 200,000 or over and in lieu thereof, inserting the words and figures ''Four Thousand ($4,000.00) Dollars'' and by striking therefrom the word ''chief,'' preceding the words ''deputy sheriffs'' so that, when said Section is so amended and re-enacted, the same shall read as follows:

''The salary of the chief deputy of each of said officers shall be two thousand ($2,000.00) dollars per year, and the salary of each of the other deputies shall be fixed at a reasonable amount not exceeding fifteen hundred ($1500.00) dollars per year, provided that in counties having a population of two hundred thousand (200,000) or over, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding four thousand ($4,000.00) dollars a year, and the salary of each of the other deputy sheriffs shall be fixed at a

reasonable amount not exceeding two thousand ($2,000.00) dollars per year, and provided further that in counties having a population of two hundred thousand (200,000) or over, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount, not exceeding twenty-five hundred dollars ($2,500.00) a year, and the salary of each of the other deputies in the office of the circuit court clerk shall be fixed at a reasonable amount not exceeding two thousand dollars ($2,000.00) per year.

And provided further that in counties having a population of two hundred thousand (200,000) or over the salaries of the first four deputy county court clerks shall be fixed at a reasonable amount not exceeding two thousand five hundred ($2,500.00) dollars per year, and the salary of each of the other deputies in the office of the county court clerk shall be two thousand dollars ($2,000.00) per year.

§ 2. The necessity for efficient and adequate compensated help and assistance in the management of the office of the Sheriff in Counties having a population of two hundred thousand (200,000) or over, is immediate and urgent, and therefore, an emergency is hereby declared to exist, and this Act shall take effect immediately after its passage.

By Senator Gaines.

S. B. 255. An Act to regulate traffic over and upon bridges and ferries now or hereafter owned or operated by the Commonwealth of Kentucky through its agent, the State Highway Commission of Kentucky; making it unlawful for any persons, except those specifically exempted by this act, to pass over or upon any brdge or ferry so owned or operated without paying the required toll; vesting in collectors of tolls stationed at or upon any bridge or ferry so owned or operated with the powers of peace officers; vesting in the State Highway Commission of Kentucky power to make rules and regulations for the enforcement of this Act, and, also, prescribing penalties for the commission of offenses defined in this Act.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to injure, deface or damage, or to attempt to injure, deface or damage in any manner whatsoever, any bridge or ferry, or any part thereof, now or hereafter owned or operated by the Commonwealth of Kentucky; and any person or persons so offending shall, upon conviction for each offense, be deemed guilty of a misdemeanor and shall be fined not less than $10.00 nor more than $300.00, and shall be confined for not less than ten days nor more than six months, within the discretion of the jury.

§ 2. That it shall be unlawful for any person or persons, except employees of the State Highway Commission of Kentucky while engaged in the discharge of their duties, and except as otherwise provided in this Act, to pass over any bridge or ferry now or hereafter owned or operated by the State Highway Commission of Kentucky, upon which bridge or ferry tolls are at such time regularly collected, without paying to the collector of tolls then stationed at such bridge or ferry at the time of such passage, in legal tender, such amount of toll as may be prescribed by rule or regulation of the State Highway Commission of Kentucky, or by law, for passage over such bridge or ferry, including vehicular traffic over or upon any such bridge or ferry; and any person or persons so offending, upon conviction of this offense shall be guilty of a misdemeanor and shall be fined not less than $10.00 nor more than $100.00 for each offense.

§ 3. Nothing contained in Section 2 of this Act shall be construed as requiring the personnel of the Kentucky National Guard, while engaged in the discharge of official business, to pay to the collector of tolls stationed at any bridge or ferry

within the purview of this Act the tolls regularly collected at such bridge or ferry, either for the passage of himself or for the conveyance of the military property of the State in his charge; provided, however, that a member of such personnel shall, at the time of passage over or upon any such bridge or ferry, exhibit to the collector of tolls, stationed thereat, a written official order indicating that such person or persons are at the time engaged upon official business, and unless as so exhibited such passage shall be unlawful.

§ 4. That for purposes of the enforcement of this Act every person appointed or employed by the State Highway Commission of Kentucky to be a collector of tolls upon or at any bridge or ferry now or hereafter owned or operated by the Commonwealth of Kentucky, through its agent, the State Highway Commission of Kentucky, shall possess and exercise all of the powers now vested by law in peace officers within this Commonwealth; provided, however, that the powers herein conferred upon collectors of tolls are expressly limited to the arrest and prosecution of persons committing public offenses upon the highways, bridges and ferries so owned or operated, and the approaches thereto, within this Commonwealth, and all things incident thereto.

§ 5. That every person so appointed by the State Highway Commission of Kentucky to be a collector of tolls upon any bridge or ferry so owned or operated with this Commonwealth shall, before entering upon the discharge of his duties, execute bond to the Commonwealth with good and sufficient surety, conditioned for the faithful performance of his duties as such collector of tolls, and shall take and subscribe the constitutional oath of office. Said bond and said oath so subscribed by every collector of tolls shall be executed either in the County Court of the County in which such collector resides, or in the office of the State Highway Commission of Kentucky, and shall be approved by said Commission or the Chairman thereof, the originals or certified copies thereof, as the case may be, shall be duly filed and entered of record in the office of the State Highway Commission of Kentucky. All

such collectors of toll shall be subject to all the penalties, liabilities and obligations now imposed by law on peace officers.

§ 6. For the further purpose of enforcing this Act, the State Highway Commission of Kentucky is hereby vested with power and authority to make and promulgate such rules and regulations, not inconsistent with the Constitution and laws of this Commonwealth, as may be necessary to effectuate the purposes of this Act.

§ 7. All laws or parts of laws conflicting herewith are hereby repealed.

§ 8. Whereas, considerable difficulty has arisen in connection with the maintenance and operation of bridges and ferries now owned or operated by the Commonwealth through its agent, the State Highway Commission of Kentucky, resulting in conflicts between collectors of tolls stationed thereat and numerous persons seeking passage upon such bridges and ferries, and

Whereas, the need is urgent and necessary for immediate relief for the protection of the Commission, its agents, servants and employees, of the maintenance and operation of such bridges and ferries and in the collection of tolls thereon.

Therefore, an emergency is hereby declared to exist and this Act shall take effect immediately upon and after its passage by the General Assembly and approval by the Governor.

By Senator Rogers.

S. B. 256. An Act to amend Section 2 of Section 199-a, Kentucky Statutes (Carroll's Edition, 1930), which section is the Act of General Assembly of the year 1908, Chapter 72, page 210, relating to the subject of burial associations.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of Section 199a of the Kentucky Statutes, Carroll's edition, 1930, which section is the Act of 1908, Chapter 72, page 210, of the Acts of the General Assembly of that year, be and the same is hereby amended so as to read as follows:

Section 199-a-2. Said corporation, association, society or individual shall deposit with the Treasurer of the Commonwealth of Kentucky, who shall receive same in his official capacity, bonds or securities of such quality and character as by law domestic insurance companies are permitted to invest their capital or accumulations in, to the amount of $200,000.00, to be held by said Treasurer in trust for the benefit and protection of the certificate holders of such corporation, association, society or individual making such deposit.

When requested so to do, said Treasurer shall give to the corporation, association, society or individual making such deposit, a certificate reciting the facts with reference thereto, and a description of the securities so deposited. The valuation of such securities shall be ascertained by the insurance commissioner. If at any time such securities shall depreciate so that their aggregate market value is less than the sum of $200,000.00, the insurance commissioner shall notify and require such corporation, association, society or individual to deposit sufficient additional securities to restore the value of said fund to said amount of $200,000.00, and if such requirement of said insurance commissioner is not complied with within 30 days of such notice, he shall direct the corporation, association, society or individual to cease to do business until the requirement aforesaid shall have been complied with.

Such corporation, association, society or individual shall have the right to exchange any part of such securities for

others of like amount and character, subject to the approval of the insurance commissioner.

Upon request of such corporation, association, society or individual, the Treasurer shall permit said company to collect the interest dividends or coupons on such securities so deposited.

Said deposit shall be retained by the said Treasurer until ordered returned by the insurance commissioner, who may make such order only when satisfactory proof is presented to him that all debts and liabilities of such corporation, association, society or individual have been paid or satisfied out of the proceeds of securities so held by said Treasurer. Such order shall not in any event be made until notice shall be given to each known creditor of such corporation, association, society or individual and not until notice shall have been published of the intention to make such an order in a newspaper of daily circulation in the county or counties wherein a majority of the certificate holders reside, once a week for a period of one month.

If the Treasurer of the Commonwealth shall fail to safely keep said securities, or fail to account for or surrender such securities, he shall be liable on his official bond and he shall be amenable to the same penalties as in the performance of similar duties in the case of domestic insurance corporation as provided by statute in such cases made and provided.

§ 2. If any such corporation, society or individual shall discontinue business, or become insolvent, or fail to comply with the requirements of this act, or if for a period of 60 days any final judgment shall remain unsatisfied, a circuit judge in the county wherein such corporation, association, society or individual has its principal office or place of business, may appoint a receiver to liquidate and distribute the assets of such corporation, association, society or individual among its or their creditors, policy holders or other persons having claims against such corporation, association, society or individual.

§ 3. All laws in conflict herewith are hereby repealed.

H. Res. 22. Resolution to invite Governor Ritchie to the General Assembly.

Senator Stephenson moved that said resolution be called from the Clerk's desk and be adopted.

Said motion was agreed to.

The question being taken upon the adoption of said resolution, was decided in the affirmative.

Said resolution was adopted.

Said resolution reads as follows:

HOUSE RESOLUTION 22.

Whereas, the House of Representatives and Senate have invited several outstanding Democrats for the office of President of the United States to come and address them in joint session so that they may see more clearly as to the qualifications of each as an individual, and

Whereas, they would like to know the personal attitude on various and sundry planks that may later be inserted in their platform,

Therefore, Be It Resolved by the House of Representatives and the Senate concurring therein, that we extend an invitation to Governor Ritchie, the chief executive of the State of Maryland, to address this joint session on Friday, January 29, 1932, at 12 o'clock high noon.

COMMITTEE REPORTS

Senator Rogers of the Committee on Education to which had been referred a bill of the following title:

S. B. 177. An Act amending Section 4426b-1, Kentucky Statutes, Carroll's 1930 Edition, being Section 1 of Chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees.

Reported with expression of opinion that same ought to pass.

Senator Rogers of the Committee on Education, to which had been referred a bill of the following title:

S. B. 170. An Act defining school districts; setting out powers and duties of boards of education therein; indicating procedure relating to the organization, control and operation of the common schools therein; providing for the general welfare of the public schools of the Commonwealth; providing for a uniform census every three years; exempting school pupils and toll on roads, bridges and ferries; repealing various scattering provisions of old law relating to division boards of education and other provisions covered by this Act or not consistent with it.

Reported with expression of opinion that same ought to pass with the following amendment thereto:

Amend Senate Bill No. 170 by striking therefrom on page 1, the following expression: "exempting school pupils from toll on roads, bridges and ferries;" and "Section 1, Chapter 37, Acts of 1922"; also by striking from lines 15, 16 and 17, page 3, the following sentence: "Children so transported and other pupils going to and from these schools shall have toll-free passage over roads, bridges and ferries."

Senator Rogers of the Committee on Education, to which had been referred bills of the following titles:

S. B. 166. An Act to repeal, amend and re-enact Section 4465A, Carroll's Kentucky Statute and further providing the manner of election of trustees in graded school districts.

S. B. 67. An Act to amend an Act entitled "An Act to provide for the distraining for graded common school taxes in graded common school districts other than those in cities of the first, second, third or fourth class," being Chapter 59 of the Acts of the General Assembly of 1928, approved March 17, 1928, and to provide additional remedies for the collection of school taxes in said graded common school districts.

S. B. 21. An Act to re-enact and amend Chapter 35, Section 5 of the Acts of the General Assembly of 1930 requiring publishers and their agents to sell textbooks to dealers on a consignment basis.

S. B. 23. An Act to repeal and re-enact Section 4399a, Sub-Section 10 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools and being Section 10 of an Act, entitled, "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members; providing for the election of a county superintendent by said board; fixing his qualifications, compensation and term of office; and prescribing his duties and fixing his bond; providing for the election of an attendance officer by the county board of education; providing for the levy of tax for common school purposes in each county; prescribing the duties of the county board of education and the fiscal court levying said tax and prescribing the duties of the sheriff in collecting said taxes and making his settlement to the fiscal court; providing the manner of paying his commission for collecting same; prescribing the duties of the fiscal court with reference to making settlement with the sheriff for said tax; providing for the employment of teachers; providing for the appointment of district trustees and prescribing their duties."

Reported said bills with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 17. An Act relating to fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county judge commission, and prescribing its duties; amending Sections nine hundred and twenty-nine (929), nine hundred and thirty-four (934) of Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 153 of the Acts of 1920, Session of the General Assembly of the Commonwealth of Kentucky, nine hundred and thirty-five (935), and eighteen hundred and thirty-eight (1838), Kentucky Statutes, 1930 Carroll's Edition; and repealing Sections nine hundred and thirty-eight (938) Kentucky Statutes, 1930, Carroll's Edition, and Section eighteen hundred and forty A (1840A), Kentucky Statutes, 1930, Carroll's Edition; as amended by Section one of Chapter 67 of Acts of 1916, Session of General Assembly of Commonwealth of Kentucky; providing for the compensation of county treasurer, and the designating by the fiscal court of depositories for county funds and the fixing of interest rates to be charged by the county; and providing for penalties for the violation of any of the provisions of this act.

Reported with expression of opinion that same ought to pass with the following amendments thereto:

Amend Senate Bill No. 17 by adding at the end of line 19 of the printed bill, Section 17, the following:

Provided, that the county treasurer shall not make county warrants interest bearing and negotiable in the aggregate as to any budget fund in excess of ninety (90%) per cent of the amount of any budget fund of the county. Any county warrant made interest bearing and negotiable by filling in the blanks as provided in this section by the county treasurer in excess of ninety (90%) per cent of the amount of the budget fund or funds out of which said interest bearing warrant or

warrants are payable shall be null and void as to the county, and the county treasurer shall be liable for the excess on his official bond.

Amend Senate Bill No. 17 by striking out lines 36, 37 and 38 of Section 21, of the printed bill and substituting in lieu thereof the following:

Notes issued under the provisions of this section shall not be in the aggregate in excess of ninety (90%) per cent of the amount of the budget fund out of which they are payable, and the county treasurer shall be liable on his official bond for the amount of the excess of any note of the county countersigned by him in excess of ninety (90%) per cent of the budget fund out of which said note is payable. Any note issued in excess of ninety (90%) per cent of any budget fund of the county shall be null and void as to the county.

Senator Pogue of the Committee on Kentucky Statutes No. 2, to which had been referred a bill of the following title:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of three hundred dollars ($300) or less, providing for the administration of this Act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the banking commissioner under this Act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's

Kentucky Statutes (1930), and repealing all acts and parts of acts in conflict with the provisions of this Act.

Reported with expression of opinion that same ought to pass.

Senator Mehler of the Committee on Municipalities, to which had been referred bills of the following titles:

H. B. 16. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as 'An Act relating to the Government of Cities of the second class of the Commonwealth of Kentucky,' approved February 12, 1930.

S. B. 172. An Act defining plumbing, master plumber and journeyman plumber in counties containing cities of the first and second class of the Commonwealth of Kentucky; providing for examinations and issuing certificates to qualified registered master plumbers and registered journeyman plumbers and placing same under the jurisdiction of the State Board of Health of Kentucky the power to adopt and promulgate a code regulating the installation of plumbing, house drainage, sewerage and sewerage disposal; designating the kind of materials and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage to be used in plumbing and drainage and the methods of their installation; prescribing the powers and duties of the State Board of Health in relation to this Act and providing penalties for violation of the provisions of this Act.

Reported said bills with expression of opinion that same ought to pass.

Senator Gaines of the Committee on Appropriations, to which had been referred a resolution of the following title:

SENATE RESOLUTION No. 8

Joint resolution providing for reimbursing town of

Hardinsburg, Kentucky, for construction of concrete street through town of Hardinsburg, same being approximately .84 miles of Federal Highway No. 60.

Reported with expression of opinion that same ought not to pass.

Therefore, said resolution was rejected.

Senator Gaines of the Committee on Appropriations, to which had been referred a bill of the following title:

S. B. 35. An Act relating to the fiscal administration of the Commonwealth of Kentucky; providing for interest-bearing negotiable state warrants, and the issual of interest-bearing negotiable treasury notes in anticipation of current revenue for the fiscal year; prescribing the duties of the State Treasurer, Auditor of Public Accounts, and the Budget Commission of the Commonwealth of Kentucky relative thereto; and repealing Section 4688a-2, Kentucky Statutes, 1930, Carroll's Edition, as amended by Section 3 of Chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, Section 4688a-4, Kentucky Statutes, 1930, Carroll's Edition, as amended by Section 5 of Chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, Section 4697, Kentucky Statutes, 1930, Carroll's Edition, Section 4698, Kentucky Statutes, 1930, Carroll's Edition; and amending Section 4688a-8, Kentucky Statutes, 1930, Carroll's Edition, as amended by Section 9 of Chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, Section 4689, Kentucky Statutes, 1930 Carroll's Edition; and Section 22 of Chapter 170 of the Acts of the 1926 session of the General Assembly of the Commonwealth of Kentucky and being Section 1992a-22, Kentucky Statutes, 1930, Carroll's Edition.

Reported with expression of opinion that same ought to pass with the following amendment thereto:

Amend Senate Bill No. 35, by adding at the end of line 35 of Section 2 of the printed bill the following:

"Interest bearing negotiable warrants issued under the provisions of Section two of this act shall not be issued in excess of ninety per cent of the amount of any budget fund or fund of the State. The State Treasurer shall require the Auditor of Public Accounts to certify to him the amounts of budget funds of the State to enable the State Treasurer to comply with the provisions of this section and to keep negotiable interest bearing warrants issued within the ninety per cent margin of said budget fund or budget funds as required by the provisions of this section.

The State Treasurer shall be liable on his official bond for the amount of any interest bearing negotiable warrant issued in excess of ninety per cent of the budget fund from which said warrant is payable. An interest bearing warrant issued in excess of ninety per cent of the budget fund from which it is payable shall be null and void as to the State.

Amend Senate Bill No. 35 by striking out words "in pencil" in line 15 of Section One of printed bill.

Amend Senate Bill No. 35, by striking from the printed bill lines 29, 30 and 31 of Section 4 thereof and substituting therefor the following:

The State Treasurer shall have the power and authority to issue notes as provided for under the provisions of this section up to ninety (90%) per cent of the amount of any budget fund or funds provided in the State budget, but shall have no power or authority to issue notes in excess of the amount of ninety per cent of the amount of any budget fund or funds provided in the State budget.

Amend Senate Bill No. 35, by striking from the printed bill lines 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47 of Section 4, and substitute in lieu thereof the following:

the State are charged. All notes of the State issued under the provisions of this section in excess of ninety per cent of the budget fund from which they are payable shall be null and void as to the State. The sigature of the Auditor of Public Accounts and the State Treasurer to said note or notes issued under the provisions of this section shall be construed to be their certificate that the amount of the note or notes issued is within ninety per cent of the budget fund from which said note or notes are payable.

The Auditor of Public Accounts and State Treasurer shall be liable on their official bonds for the amount of any note or notes issued under the provisions of this section in excess of ninety per cent of the amount of the budget fund out of which it is payable.

The Auditor of Public Accounts shall certify the amounts of budget funds to the State Treasurer for the information of the State Treasurer to enable him to issue notes within the margin of budget fund or funds as required by the provisions of this section.

Senator Mehler of the Committee on Municipalities, to which had been referred a bill of the following title:

H. B. 20. An Act to provide for the more efficient and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred fifty thousand (250,000), and to reduce the number of magisterial districts therein, by amending and re-enacting Section one thousand seventy-nine (1079) of the Kentucky Statutes; to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants, defining their duties and requiring bonds therefrom, with surety; defining certain duties of constables and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places;

fixing the filing fees, and providing for rules of practice in said courts and fixing penalties for the violation by said officers of their duties.

Reported with expression of opinion that same ought to pass with the following amendment thereto:

To amend Section 9 of the printed bill by inserting in line 1, the words "elect or" after the word "hereafter" and before the word "appointed."

By adding to Section 15 of the printed bill, the words "the Commissioners, before they proceed to act, shall be sworn to faithfully perform their duties."

CALENDAR.

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only, and placed in the Orders of Day.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only.

Said titles to bills are as follows:

S. B. 54. An Act to repeal "An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal, shall be entered and cross indexed and imposing penalties for failure so to do" by repealing said act, which is now Chapter 45 of the Acts of the General Assembly, in its entirety.

S. B. 136. An Act to amend Chapter 110 of the Acts of the General Assembly of the Commonwealth of Kentucky, for

the year 1928, being an Act entitled an Act to amend and re-enact Section 1720, of the Kentucky Statutes, Carroll's Edition, 1922, relating to fees.

S. B. 31. An Act to repeal an Act enacted by the General Assembly of Kentucky at its 1930 session, being Chapter 63 of the Act of 1930 of the General Assembly of Kentucky and Sections 2438c-8, 2438c-9, 2438c-10, 2438c-11, 2438c-12, 2438c-13, 2438c-14, 2438c-15, 2438c-16 of Supplement of Carroll's Kentucky Statutes, pertaining to the establishment in each county seat a county law library and establishing the Circuit Court Clerk as ex-officio librarian of said library and fixing his salary as librarian.

S. B. 150. An Act to amend and re-enact Section 2237 of the 1922 Carroll's Edition of the Kentucky Statutes, being part of Chapter 73 of the Kentucky Statutes relating to jailers.

S. B. 106. An Act to amend Section 2117, Kentucky Statutes, Carroll's Edition, 1922, Act of May 16, 1893.

S. B. 96. An Act to extend the jurisdiction of notaries public into counties other than the county of their appointment.

S. B. 38. An Act to amend and re-enact Section Seven Hundred and Forty-five (745) of the Civil Code of Practice.

S. B. 111. An Act to amend and re-enact Sections 280 and 281 of Chapter 8 of the criminal code of practice relating to bills of exceptions.

S. B. 86. An Act providing that no conduct statement or representation made by any officer or officers of this Commonwealth or any county municipality or taxing district therein shall be received as evidence against or serve to estop the Commonwealth or any county, municipality or taxing district thereof from contesting the legality of any tax or in-

debtedness authorized or created in excess of the constitutional or legal limits relating to such indebtedness.

S. B. 140. An Act creating "Confederate Memorial Day."

S. B. 137. An Act to amend Chapter 146 of an Act of the General Assembly passed at its 1920 session entitled "An Act relating to free public libraries in cities and towns of the third, fourth, fifth and sixth classes of this Commonwealth," the same being Sections 2741d-1 to and including 2741d-5 of Carroll's Kentucky Statutes, Official Edition, 1930, by adding thereto sections providing that certain libraries in said cities and towns shall be free public libraries, how they become such, for their support, for separate funds, separate libraries for the white race and for the negro race, for taxing separate property of the two races and the division of funds, for issuing warrants on claims, for appointment of the first board of trustees and defining the construction to be applied to this amendment."

S. B. 171. An Act to repeal, amend and re-enact Subsection 17 of Section 165a Kentucky Statutes, Carroll's 1930 Edition, relating to the State Banking Department.

S. B. 161. An Act guaranteeing to all children in this Commonwealth school privilege for the legal term of school.

S. B. 138. An Act to repeal and re-enact Section 30, Chapter 171, Acts General Assembly, 1893, being Section 567 of Carroll's Kentucky Statutes, 1922 and 1930, relating to private corporations.

S. B. 163. An Act to prohibit the employment of anyone for a wage paid wholly or in part by the taxpayers of Kentucky unless such employee be a naturalized citizen of the United States of America and providing a penalty for violation of the same.

S. B. 107. An Act relating to jailers and providing for

the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the sheriff of the county, and providing for compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 132. An Act to amend Section 564, Sub-section 2, Kentucky Statutes, Carroll's Edition, 1915, relating to corporations.

S. B. 134. An Act to amend Section 2132 of Carroll's Kentucky Statutes, relating to the interest that a surviving husband or wife shall have in the real and personal estate left by the deceased spouse.

H. B. 63. An Act to repeal Sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of the General Assembly of 1914, being a portion of the Act providing for the Commission Form of Government for cities of the Third Class, and the sections repealed by this Act are now Sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof, that the Mayor, the Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the Third Class, shall be nominated and elected as now provided by law for the nomination and election of state and county officers.

S. B. 58. An Act amending Section Three Thousand Five Hundred Forty-five (3,545) of Carroll's Kentucky Statutes, 1930 Edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said Section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond and providing for his compensation,

and authorizing the city council of cities of the fourth class to impose upon the city treasurer or the clerk of the council the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes.

S. B. 174. An Act to repeal Sections 2, 3, 4, 5, 6 and 7 of Chapter 156 of Acts of the General Assembly of 1930 and Chapter 159 of the Acts of the General Assembly of 1930, and enacting in lieu thereof an Act creating a commission of nine members, each to serve four years, to be appointed by the Governor, and confirmed by the Senate, to be known as "The State Highway Commission of Kentucky"; providing for the qualifications, terms of office and appointment of its personnel; defining its powers and duties, both general and particular; providing for the compensation and expenses thereof, including the salaries, compensation and expenses of its officers and employees; dividing the Commonwealth into road districts and describing the same; defining the duties of the Attorney General and of the County Attorneys in relation thereto; accepting the provisions of the statutes of the United States, now or which may hereafter be enacted in aid of the State in the construction and maintenance of rural post roads and other purposes; vesting in said Commission the power to appropriate from the State Road Fund such sums as may be necessary to co-operate with the United States under any Federal Statute which is now or which may hereafter be enacted, and authorizing the State Treasurer to receive such money as may be paid to the Commonwealth of Kentucky by the United States in aid of the construction and maintenance of roads within this Commonwealth, and declaring an emergency to exist.

S. B. 125. An Act empowering the State Board of Charities and Corrections to direct probation in Kentucky and providing for the designation and special compensation of a member of said board to act as chief director of probation and for the compensation of other employees and appropriating necessary funds from the general fund for its administration.

S. B. 126. An Act to provide for the postponement of

the rendition of judgment and the use of probation in criminal cases, providing for the appointment and compensation of probation officers and defining their powers and duties.

SENATE RESOLUTION No. 2

Resolution for the relief of C. M. Green, for mileage and expenses by him as agent for the Commonwealth of Kentucky.

A message was received from the House of Representatives announcing that they had passed a resolution of the following title:

H. Res. 26. A resolution to meet in joint session at 11 o'clock a. m. on February 4, 1932, to pay a tribute to George Washington, signer of the Act of Congress admitting Kentucky to Statehood, and to signalize the formal opening of Kentucky's participation in the Nation-wide George Washington Bi-Centennial Celebration.

It was ordered that said resolution lie on Clerk's desk.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 84. An Act providing for the reopening and reorganization of closed banks or trust companies or combined banks and trust companies in this Commonwealth.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That whenever any bank or trust company or combined bank and trust company organized under the laws of this Commonwealth shall for any reason be suspended or closed, if not less than twenty-five of the depositors therein, with de-

posits in excess of twenty-five dollars each, shall notify the "Banking Commissioner" of the Commonwealth of Kentucky, in writing that they desire to attempt to reorganize, or otherwise reopen or consolidate such bank or trust company, or bank and trust company with some other banking institution, a reasonable time, not exceeding four months, shall be given by the "Banking Commissioner" of the Commonwealth of Kentucky, during which receivership proceedings shall not be commenced; and thereupon the depositors shall proceed without delay with the perfection of a plan and articles of agreement, outlining in general the proposed plan, of consolidation or reopening which proposed plan must be signed by deposit creditors representing eighty per cent of the amount of deposits in such bank or trust company or bank and trust company, exclusive of deposits of public money secured by indemnity bond or otherwise, and also exclusive of deposits of less than twenty-five dollars each. All other unsecured depositors shall be held to be subject to and bound by the terms of such agreement to the same extent as though they had joined in the execution thereof, and in case of the restoration of said bank or trust company, or combined bank and trust company, to solvency and the reopening thereof, their claims shall be treated in all respects as if they had been parties to the making thereof, and had affixed their signatures to the same. If at any time, in the opinion of the "Banking Commissioner" of the Commonwealth of Kentucky, reasonable progress is not being made in the attempted reorganization the grant of time to depositors may be withdrawn and receivership proceedings instituted. When seventy-five per cent in both number and amount of the depositors, and seventy-five per cent of the deposits, as aforesaid have joined in such agreement the same shall be presented to the "Banking Commissioner" of the Commonwealth of Kentucky, with a full report of what has been done in adjusting the affairs of the bank or trust company, or combined bank and trust company, in anticipation of reopening; and the said "Banking Commissioner" may thereupon require any further or additional things to be done as in his opinion will be necessary to place the bank or trust company, or combined bank and

trust company in position to open and function as a going concern, and may then grant such reasonable time as seems necessary to place the bank or trust company or combined bank and trust company in such position, and when the requirements of the "Banking Commission" of the Commonwealth of Kentucky have been complied with said bank or trust company or combined bank and trust company shall reopen and become in all things a going bank or trust company, or combined bank and trust company, subject to all provisions, of law and regulations of the banking department; provided, however, that if at any time, in the opinion of the "Banking Commissioner" of the Commonwealth of Kentucky, the interests of the creditors of said institution are being jeopardized by delay he may withdraw all grants or extension of time and cause receivership proceedings to be instituted.

Because of the stress now existing in business generally and for the assistance of banks recently closed, an emergency is declared to exist and this act shall become effective upon its passage and approval.

It was ordered that said bill be referred to the Committee on banks and trust companies.

A message was received from the House of Representatives announcing that they had concurred in a resolution of the following title:

SENATE RESOLUTION No. 3

Resolution memoralizing the Congress of the United States to make adequate appropriation and appoint a Commission for the purpose of fittingly celebrating the sesqui-centennial of the Siege of Bryan Station and the Battle of Blue Licks in August, 1932.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 13. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the Government of cities of the second class of the Commonwealth of Kentucky," approved February 12, 1930.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 46. An account to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any county in which its county seat is a city of the fifth or sixth class, and which is adjacent to or conveniently near any other county in which there is now and hereafter established in such county a Community Hospital, which is adjacent to or conveniently near any other county in which there is a Community Hospital, the County Board of Health of the first named county is hereby authorized and it is hereby made its duty to make and enter into a contract with the governing authority of any Community Hospital situated in a county adjacent thereto or conveniently near the same, for county purposes for the care and treatment and hospital bills of any indigent persons, bona fide residents of such county, until such county may establish a Community Hospital within said county and until such time as the County Hospital may be established as authorized by Chapter 88 of the Acts of the General Assembly of 1924.

It shall be the duty of the County Board of Health of any

county adjacent to or conveniently near another county in which there is established and in operation a Community Hospital, on or before the first day of April, 1932, and each year thereafter to contract with the governing authority of such Community Hospital for the support and maintenance of indigent patients in such hospital and to ascertain and report to the Fiscal Court of such county the estimated amount needed for that purpose for the next year; this annual budget shall be submitted in writing to the county clerk, not less than ten days before the first day of April in each year, by the County Board of Health. The County Board of Health shall present this annual budget to the Fiscal Court when it convenes to make the annual county levy. When this annual budget has been submitted to the Fiscal Court, it shall be the duty of the Fiscal Court to provide sufficient funds to pay said budget by the levying and collection of a tax of not exceeding five cents of the fifty cents authorized by law to be levied for county purposes on the $100.00 as a contribution for the County Hospital purposes, and for the payment of the budget recommended and demanded by the County Board of Health as provided and the same shall not be appropriated or used for any other purpose during the life of the contract herein provided for, and when said funds are collected by the County Treasurer, he shall pay the same over to the treasurer or governing authority of said Hospital.

All laws or parts of laws in conflict herewith are hereby repealed.

Amendments to said bill read as follows:

Senator Jacobs proposed the following amendment to said bill:

Amend Senate Bill No. 46 by striking from the printed form, in lines 6 and 7 the words "It is hereby made its duty to enter into a contract."

Further amend said bill by striking therefrom in the printed form, lines 15 to 37 inclusive.

Senator Allie W. Young proposed the following amendment to said bill:

Amend Senate Bill No. 46 by adding after line 37, the following:

"No county adjoining said county in which a community hospital is located shall be required to contribute to the funds provided for herein until said question has been submitted to the voters of said county and a majority of said voters have declared for said appropriation.

Senator Moore proposed the following amendment to said bill:

Amend Senate Bill No. 46 by striking out the words "is hereby authorized and it is hereby made its duty to make and" in lines 6 and 7, and insert in lieu thereof the word "may."

Also, by striking out the words "It shall be the duty of" in line 15.

Also, by inserting the word "may" in line 17 between the words "hospital" and "on."

Also, by striking out the words "shall be the duty of the Fiscal Court" in lines 27 and 28 and insert in lieu thereof the word "may."

Also, by striking out the words "and demanded" in line 32.

Senator Yates moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 14. An Act to repeal Section 1697, Carroll's Kentucky Statutes, 1930, and enacting in its stead an act fixing the exemptions from execution attachment distress or fee bill of persons with a family resident in this Commonwealth.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1697, Carroll's Edition, Kentucky Statutes, 1930, be and the same is hereby repealed, and there is enacted in its stead the following:

There shall be exempt from execution, attachment, distress or fee-bill to persons with a family resident in this Commonwealth, the sum in cash of $750.00 or its equivalent in personal property; all wearing apparel; all family portraits and pictures; all the salary, wages or income earned by labor of every person earning a salary, wages or income of $75.00 or less per month; of the salary, wages or income earned by labor, of every person earning a salary, wages or income in excess of seventy-five dollars per month, ($75.00) per month and no more shall be exempt. Provided, that these exemptions shall only apply in actions brought upon contracts entered into after the effective date of this act, and no provision of this law shall be construed to make it retroactive in effect.

§ 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

Senator Flippin moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 52. An Act to amend Paragraph Eleven (11), Sec-

tion 1938a, Chapter 57, and Paragraph Twenty-four (24), Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's 1930 Edition, relating to open season and bag limit on quail or bobwhite, and license to hunt, and providing for statement of game birds and animals killed, by adding thereto the language as hereinafter set out.

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 139. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

Senator Franklin moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 87. An Act relating to the conveyance of the Perryville Battlefield to the United States of America for national cemetery or park purposes.

Senator Moore moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 30. An Act to repeal and re-enact Section No.

4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 145. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of Dentistry in the State of Kentucky.

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 149. An Act relating to chiropractic, amending and re-enacting Section 8 of Chapter 123 of Acts of the General Assembly of 1928.

Senator Hamilton moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 89. An Act amending Chapter 187, Section 3, of 1926, making it mandatory to pay pension to persons with permanent disability under the provisions of said chapter.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works; and further providing for definition of terms used, enforcement of and penalty for violation of this Act.

Senator Mehler moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 22. An Act to establish as a part of the primary road system of the Commonwealth of Kentucky a road in Bracken County, beginning at a point in State Highway No. 10 in the village of Lenoxburg via of the existing public road to the village of Foster.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of highways of this Commonwealth the following route, to-wit:

Beginning at a point in State Highway No. 10 in the village of Lenoxburg, Bracken County, thence via the existing

public road to the village of Foster, a distance of about five miles.

§ 2. The said project thus established to be known and designated as project No. ——, and to be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to the primary system of roads and highways in this Commonwealth and subject to all the terms and conditions of Chapter 17 of the Acts of 1920 establishing and creating a primary system of State highways, of which system said project shall be and become a part.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	R. H. Royster
W. W. Booles	Alex E. Johnson	Dr. Lewis Ryans
H. M. Brock	L. C. Littrell	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
J. S. W. Holloway	O. M. Rogers	Gates F. Young
Robert Humphreys	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 122. An Act to add to the State Primary System a road from Dycusburg, Crittenden County, to Fredonia, Caldwell County, Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the State Primary Highway System a road from Dycusburg, Crittenden County, along the route of the present road as practicable, to Fredonia, Caldwell County, Kentucky. Said project to be designated as State Highway Project No. —.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 44. An Act to add a road to the Primary Road System of the Commonwealth of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established and created as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning on U. S. Route Number 23, at the Tom's Creek bridge, thence down Tom's Creek to Mingo, intersecting with the Preston Trail at Mingo.

The maintenance, construction, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17 of the Acts of the General Assembly of 1920 establishing and creating the primary system of roads and highways of this Commonwealth.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 53. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky, a road located in Muhlenberg County, Kentucky, and beginning at Greenville, and running westwardly with the old Greenville and Madisonville Road, to project No. 238, between Earles and Midland, thence to Millport, connecting with project No. 247.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be added to and established as part of the primary system of State Highways a road beginning at the city limits of the City of Greenville, running westwardly with the old Greenville and Madisonville road to Project No. 238, between Earles and Midland; thence to Millport, connecting with Project No. 247; designated in Carroll's Kentucky Statute; said road to be designated as Project No.—.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, establishing and creating a primary system of State Highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 63. An Act establishing as a part of the highway system of highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland County, and leading to Black's Ferry, Monroe County, via Cloyd's Landing.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created and established as a part of Project 40½ of the State highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland county and leading to Black's Ferry, Monroe county, via Cloyd's Landing.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Alex E. Johnson	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Wm. Mehler	Thos. O. Turner
Dr. T. J. Edge	E. C. Moore	Fred C. VanHoose
Thos. C. Ferguson	Ray B. Moss	F. M. White
Walter N. Flippin	Marion F. Pogue	Sewell B. Williams
Chas. G. Franklin	Dr. G. W. Ragan	W. A. Yates
J. S. W. Holloway	O. M. Rogers	Allie W. Young
Robert Humphreys	J. M. Rose	Gates F. Young
Wm. Isaacs		—31

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 65. An Act to establish a primary road project from U. S. Route No. 23 at the junction of the Van Lear road in Johnson County to the corporate limits of the town of Van Lear.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State highways a road beginning on U. S. Route No. 23 at the junction of the Van Lear road, in Johnson County, and running to the corporate limits of the town of Van Lear.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 73. An Act establishing a State primary road project leading from a point at Gest to State highway No. 37 near the Gusta Clements farm via Harpers Ferry in Henry County.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading from a point at Gest in Henry county, Kentucky, to State road No. 37 near the farm of Gusta Clements, via Harpers Ferry.

Subject to all the conditions set out and provided in chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of State highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 74. An Act establishing a State road project leading from Carroll up Six Mile Creek in Henry County Kentucky to intersect with the Gest-Harpers Ferry State Road No. 37 turnpike.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading from Carroll in Henry County, Kentucky, up Six Mile Creek to intersect with the Gest-Harpers Ferry, State Road No. 37 turnpike at intersection of present county road.

Subject to all the conditions set out and provided in Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of State highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 75. An Act to establish a State primary road project leading from Lockport in Henry County by the Mouth of Pot Ripple to Gest and Monterey in Owen County.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading

from Lockport in Henry county, Kentucky, to Gest and Monterey, in Owen County via the mouth of Pot Ripple.

Subject to all the conditions set out and provided in chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of State highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McClaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 76. An Act establishing a State primary road project leading from a point in the New Castle-Port Royal State road about two miles south of Port Royal thence following the County Road thence by Turners Station to State road 55 near overhead bridge at Campbellsburg.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading from a point in the New Castle-Port Royal State road about 2½ miles South of Port Royal thence following the County road thence by Turners Station to State road No. 55 near overhead bridge at Campbellsburg.

Subject to all conditions set out and provided in Chapter 17 of the acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of State Highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 77. An Act establishing a State primary road project leading from the Mouth of Drennon to New Castle State road near Drennon Springs thence by way of Franklinton and Clubb Lane to State Highway No. 22 in Henry County.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as a part of the Primary road system of the Commonwealth of Kentucky a road leading from the Mouth of Drennon-New Castle State Road near Drennon Springs thence by way of Franklinton and Clubb Lane to State Highway No. 22 near the farm of Ellry Jones.

Subject to all conditions set out and provided in Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, establishing and creating a primary system of State Highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Thos. C. Ferguson	Wm. Isaacs
W. W. Booles	Walter N. Flippin	Silas Jacobs
H. M. Brock	Chas. G. Franklin	L. C. Littrell
Edwin C. Dawson	Perry B. Gaines	Frank I. Lloyd
Dr. T. J. Edge	Robert Humphreys	Rev. C. D. McCaw

Wm. Mehler	J. M. Rose	F. M. White
E. C. Moore	R. H. Royster	Sewell B. Williams
Ray B. Moss	Dr. Lewis Ryans	W. A. Yates
Marion F. Pogue	E. D. Stephenson	Allie W. Young
Dr. G. W. Ragan	Thos. O. Turner	Gates F. Young
O. M. Rogers	Fred C. VanHoose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 78. An Act establishing a State primary road project leading from a point in the Campbellsburg-Bedford State road No. 37 about two and one-half miles from Campbellsburg at the Joe Campbell and Will Clark property in Henry County thence following the County road down Campbell branch to State road from Sulphur to New Castle at Sulphur.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established as part of the primary road system of the Commonwealth of Kentucky a road leading from a point in the Campbellsburg-Bedford State road No. 37 about two and one-half miles from Campbellsburg at the Joe Campbell and Will Clark property in Henry county thence following the county road down Campbell branch to State road from Sulphur to New Castle at Sulphur.

Subject to all the conditions set out and provided in

chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky establishing and creating a primary system of State highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 88. An Act creating and establishing as a part of the primary road system of highways of the State of Kentucky a road running from Pellyton in Adair County to a point intersecting with the State highway leading from Liberty to Campbellsville at or near Price's shop, said road to be designated by the State Highway Department with an appropriate project number.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a road leading from Pellyton, in Adair County, Kentucky, to a point in, and intersecting with, the State highway leading from Liberty to Campbellsville at or near Price's shop. This project to follow as near as practicable the old Pellyton and Dunnville road from Pellyton to Riffe's Creek in Casey County and thence by way of Rheber to the point of intersection in the said Liberty and Campbellsville Highway.

The route thus established to be designated "The Crockett Trail," and to be entitled to receive all benefits of such laws as are now or may hereafter be in effect with relation to the primary road system.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 104. An Act to establish a primary road project from the mouth of Emily Creek in Martin County thence up Emily Creek to the mouth of Copers Mine, thence up Copers Mine and across the hill to Lick Branch to the Pike County line on the waters of Big Creek.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the mouth of Emily Creek, thence running up Emily Creek to the mouth of Copers Mine, thence up Copers Mine and across the hill to the Lick Branch to the Pike County line on the waters of Big Creek.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 105. An Act to establish a primary road project from the mouth of Wolf Creek in Martin County on the Garrett Highway to the Pike County line connecting with the Pikeville-Williamson road.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the mouth of Wolf Creek in Martin County on the Garrett Highway and running up Wolf Creek to the mouth of Pigeon Roost Fork of Wolf Creek, thence up Pigeon Roost Fork to the mouth of Hobbs Fork, thence running up the right fork of Maynard Fork to the Davis Fork, thence to the Pike County line connecting with the Pikeville-Williamson road.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 167. An Act to establish as a part of the primary system of roads and highways of the Commonwealth of Kentucky, a road leading from State Highway No. 58 where the Mayfield and Kirksey road intersects said highway in Graves County, Kentucky, and running thence to a point at or near Liberty Church; thence by way of Kirksey, Calloway County, Kentucky, to Murray, Calloway County, Kentucky, and designated as Project No. —.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky a road leading from State Highway No. 58 where the Mayfield and Kirksey road intersects said highway in Graves County, Kentucky, and running thence to a point at or near Liberty Church; thence by way of Kirksey, Calloway County, Kentucky, to Murray, Calloway County, Kentucky, and designated as Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, establishing and creating a primary system of State highways, and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relations to the primary system of State highways.

§ 3. All projects in conflict herewith are hereby repealed.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McClaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 123. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, relating to roads and bridges, by establishing and adding thereto a road from Joy, Livingston County, Kentucky, on what is now State Project No. 124 to Carrsville, Livingston County, Kentucky, a distance of about three miles, to the Ohio River, there connecting the State Highways of Kentucky with the State highway system of the State of Illinois on Project No. —, thence to Elizabethtown, Ill., the county seat of Hardin County, Illinois.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary

system of the State highways of Kentucky, a road leading from Joy, Livingston County, Kentucky, on State Project No. 124 and extending to Carrsville, Kentucky, a distance of about three miles to the State line between Kentucky and the State of Illinois, thence to Elizabethtown, county seat of Hardin County, Illinois.

The construction, maintenance, supervision and control of said road shall be subject to, and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways, and said road shall receive and be entitled to all benefits allowed and provided for in said Chapter 17 of said Act of 1920.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Walter N. Flippin	L. C. Littrell
W. W. Booles	Chas. G. Franklin	Frank I. Lloyd
H. M. Brock	Perry B. Gaines	Rev. C. D. McCaw
Edwin C. Dawson	Robert Humphreys	Wm. Mehler
Dr. T. J. Edge	Wm. Isaacs	E. C. Moore
Thos. C. Ferguson	Silas Jacobs	Ray B. Moss

Marion F. Pogue	Dr. Lewis Ryans	Sewell B. Williams
Dr. G. W. Ragan	E. D. Stephenson	W. A. Yates
O. M. Rogers	Thos. O. Turner	Allie W. Young
J. M. Rose	Fred C. VanHoose	Gates F. Young
R. H. Royster	F. M. White	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 128. An Act relating to roads and bridges and establishing as a part of the primary system of State highways a road leading from a point on Kentucky Highway No. 52, at West Irvine, via Station Camp, Kentucky, up Red Lick Creek to a point on Kentucky Highway No. 21 at or near Big Hill, Kentucky, in Madison County, and designate the same as State Project No. —.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State highways a road leading from a point on Kentucky Highway No. 52 at or near West Irvine in Estill County by way of Station Camp, Kentucky, up Red Lick Creek to a point in Kentucky Highway No. 21, at or near Big Hill, Kentucky, in Madison County, and the said road shall be designated as Project Number —, and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect, with relation to the primary system of roads.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 129. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from Booneville, in Owsley County, to Campton, in Wolfe County, via Tallega and Fillmore, in Lee County, and crossing the North Fork of the Kentucky River at the mouth of Rock Lick Creek in Breathitt County.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from Booneville in Owsley County, up Meadow Creek; thence down Lyman's Creek to Tallega, in Lee County; thence to Fillmore; thence to the mouth of Rock Lick Creek, in Breathitt County; thence bridging the North Fork of the Kentucky River at this point and thence to Campton, in Wolfe County, and there connecting with the Kentucky-Virginia highway, a total distance of approximately thirty (30) miles.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 159. An Act to add to the State primary highway system a road from State Primary Project No. — in Livingston County to the Lyon County line in Crittenden County.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a road leading from S. L. Shelby's in Living-

ston County, on State Highway Project No. —, via Frances to Free Betty Bridge, on Livingston Creek, at the Lyon County line.

§ 2. That said road be designated State Primary Project No. —.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 165. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road from Good Luck to the Monroe County line at or near Cyclone and authorizing the State Highway Commission of Kentucky to select and adopt the most direct and practical route between said points and repealing all Acts in a conflict in the extent of such conflict.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road from Good Luck in Metcalfe County to the Monroe County line at or near Cyclone.

§ 2. The State Highway Commission of Kentucky is hereby authorized to select and adopt the most direct and practical route between the two points named in Section 1 for the construction and maintenance of said road.

§ 3. The construction, maintenance, supervision and control of said road shall be subject to all of the terms and provisions set out and provided for in Chapter 17 in the Acts of the General Assembly of 1920 as amended.

§ 4. All Acts and parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with, and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Dr. Lewis Ryans
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Thos. O. Turner
Dr. T. J. Edge	Wm. Mehler	Fred C. VanHoose
Thos. C. Ferguson	E. C. Moore	F. M. White
Walter N. Flippin	Ray B. Moss	Sewell B. Williams
Chas. G. Franklin	Marion F. Pogue	W. A. Yates
Perry B. Gaines	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Wm. Isaacs	J. M. Rose	—32

Resolved that the title thereof be as aforesaid..

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 57. An Act to repeal and re-enact Section 2290-B, Carroll's Kentucky Statutes, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8) shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth. And providing for the enforcement of and penalties for violation thereof.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 142. An Act to amend and re-enact Section 2625 of the Kentucky Statutes compiled by the Hon. John D. Carroll.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2625 of the Kentucky Statutes compiled by the Honorable John D. Carroll, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

2625. Any person who is more than twenty-one years of age, of good moral character, possessing such standards of education, both academic and pharmaceutical, and such practical experience as the Kentucky Board of Pharmacy shall from time to time determine, filing written application, properly verified, setting forth his age, residence, education, and practical experience as may be required, after passing a satisfactory examination to be conducted in the English.

language before the Kentucky Board of Pharmacy under such rules and regulations as the board may determine, shall be entitled to a certificate as a registered pharmacist. The examination fee shall be not less than $10.00 nor more than $25.00, as said board shall, from time to time, fix, and shall be charged and collected for each examination taken by each applicant. Such persons who are now registered under the laws of this Commonwealth as registered assistant pharmacists shall continue to hold their status as registered assistant pharmacists. Registered assistant pharmacists may have temporary charge of a drug store where he is regularly employed during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in a calendar year. Whenever such absence is for a period of twenty-four consecutive hours, or longer, the proprietor, owner, manager, or person in charge of said drug store or pharmacy, shall immediately notify the Secretary of the Kentucky Board of Pharmacy, the number of days his store will be in charge of a registered assistant pharmacist, and give the name of such assistant. This provision shall not be employed as a subterfuge or trick to defeat the law requiring all drug stores or pharmacies to be in charge of a registered pharmacist; all drug stores or pharmacies must be in charge of a registered pharmacist who shall devote all of his time to said drug store or pharmacy in good faith, except for the thirty days in each year allowed herein. Registered assistant pharmacists must devote their time exclusively to the one store at which they may be employed. Any proprietor, owner, manager, or person in charge of a drug store or pharmacy or registered assistant who shall fail to comply with the above provisions shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $20.00, nor more than $100.00 for each offense. Any person filing a false application of any of the facts required herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $20.00, nor more than $100.00, and shall have his certificate of registration revoked. Any registered pharmacist or registered assistant pharmacist who shall be convicted of a felony, or is proven to be an addict to habit-

forming drugs, or who is a habitual drunkard, shall forfeit his certificate to practice pharmacy. All certificates hereafter issued shall have plainly written, printed or stamped upon the face thereof the words, "revocable for the causes specified by law," and "awarded upon examination."

Senator White proposed the following amendment to said bill:

Amend Senate Bill-142 by adding after the word "pharmacist" in line 30 of the printed bill these words, "Nor does it seek to limit, prohibit or restrict the sale of harmless drugs and patent medicines by any store in the Commonwealth of Kentucky."

Senator Humphreys moved that said bill be recommitted to the Committee on Public Health.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 72. An Act relating to roads and bridges and amending Chapter 398 of the Acts of the General Assembly, 1928, bearing upon Road Project 433, striking from the said road project as set out in said chapter certain directions and points designated in said chapter for said road to pass.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 398 of the Acts of the General Assembly of Kentucky, 1928, bearing upon Road Project 433, as designated in Kentucky Statutes, concerning the points by which said road shall pass, be repealed and same is hereby repealed, and re-enacted so that it will read when amended as follows:

That the road known as the Dresden Road beginning at a point where the Dresden Road intersects with Troy Avenue just outside the city limits of Hickman, Kentucky, and running by the City Cemetery of Hickman, Kentucky, thence in a southeasterly direction by or near Poplar Grove Church, in a southeasterly direction to the N. C. & St. L. Railroad at a point near the Dresden Crossing; thence south on the west side of said railroad and parallel with same by the two stores at State Line Station continuing parallel with said railroad south about one mile to a point in the Kentucky-Tennessee State line where the said road connects with the Union City Highway as now surveyed. The entire length of project approximately seven miles, be and same is hereby established as a part of primary system of State highways of the Commonwealth of Kentucky to be known as State Highway Project No. —.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in the Act establishing and creating a primary system of State highways in the Commonwealth of Kentucky. And the said project shall be entitled to and receive all benefits of such laws as are now, or may hereafter be in effect with relation to the primary system of State highways of the Commonwealth of Kentucky.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Whereas, said project as enacted by Chapter 398 and established thereby has been surveyed by the State Highway Commission, properly locating said road as set out in this Act as amended, and whereas bids have been received for the grade and drainage of same, but being held up because said road as surveyed does not comply with the requirements of Act 398, and whereas it will be necessary to pass upon said bid and award said contract within the next few weeks, and whereas the present restrictions in the law will prevent the State Highway Commission from proceeding with said con-

tract, which appears to be advantageous to the State Highway Department, therefore an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Senator Humphreys moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	O. M. Rogers
W. W. Booles	Silas Jacobs	J. M. Rose
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	Wm. Mehler	Thos. O. Turner
Chas. G. Franklin	E. C. Moore	Fred C. VanHoose
Perry B. Gaines	Ray B. Moss	F. M. White
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young

—36

Resolved that the title thereof be as aforesaid.

Senator Humphreys moved that the vote by which said

bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 141. An Act to amend and re-enact Section 2622 of the Kentucky Statutes compiled by the Hon. John D. Carroll.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2622 of the Kentucky Statutes compiled by the Honorable John D. Carroll, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

2622. The Kentucky Board of Pharmacy shall meet in the month of January of each year, and organize by the election of a president, secretary and treasurer, who shall be elected for a term of one year, and shall perform the duties prescribed by the board. The president and treasurer shall be elected from the members of the board, but the secretary need not be a member of the board. It shall be the duty of the said board to examine all applicants for registration, to grant certificates of registration to such persons as may be entitled to the same under the provisions of this Act; to report annually to the Governor and to the Kentucky Pharmaceutical Association upon the conditions of pharmacy in the Commonwealth, which report shall also furnish a record of the proceedings of said board for the year, and also the names of all persons duly registered under this Act, and shall include an account of all moneys received and expended by the board. The board shall keep a book of registration in which shall be entered the name and place of business of all persons regis-

tered under this Act. The said board shall hold meetings for the examination of applicants for registration, and the transaction of such other business as shall pertain to its duties at least semi-annually on the second Tuesday of January and July of each year, in such cities as the board may select, and shall continue in session from day to day until its business is disposed of. The records of said board, or a copy of any part thereof, certified by the secretary to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of this Commonwealth. The said board shall have power to make by-laws for the proper execution of its duties under this Act. Three members of said board shall constitute a quorum.

Senator Humphreys moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Chas. G. Franklin	Rev. C. D. McCaw
W. W. Booles	Perry B. Gaines	Wm. Mehler
H. M. Brock	Arch Hamilton	E. C. Moore
Edwin C. Dawson	Robert Humphreys	Ray B. Moss
Dr. T. J. Edge	Wm. Isaacs	D. C. Naive
Thos. C. Ferguson	L. C. Littrell	Marion F. Pogue
Walter N. Flippin	Frank I. Lloyd	Dr. G. W. Ragan

O. M. Rogers	E. D. Stephenson	W. A. Yates
J. M. Rose	Fred C. VanHoose	Allie W. Young
R. H. Royster	F. M. White	Gates F. Young
Dr. Lewis Ryans		—31

Resolved that the title thereof be as aforesaid.

Senator Humphreys moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 157. An Act prohibiting cattle from running or trespassing on State and national parks, encampment grounds, scout camps, and grounds dedicated to religious, educational and recreational purposes, and providing penalties therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The word "cattle" as used herein is defined by Section 456 of the Statute.

§ 2. Any person who shall permit any cattle to run or trespass upon any State and national parks, encampment grounds, scout camps, and grounds dedicated to religious, educational and recreational purposes in this State, shall be guilty of a misdemeanor and shall upon conviction be fined not less than $10.00 nor more than $100.00 for each offense, and each head of cattle running and trespassing upon such property shall be a separate offense.

§ 3. An emergency is declared to exist and this act shall become effective upon passage and approval by the Governor.

Senator Moss moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Alex E. Johnson	J. M. Rose
W. W. Booles	L. C. Littrell	R. H. Royster
H. M. Brock	Frank I. Lloyd	Dr. Lewis Ryans
Edwin C. Dawson	Rev. C. D. McCaw	E. D. Stephenson
Dr. T. J. Edge	Wm. Mehler	Joe Stewart
Thos. C. Ferguson	E. C. Moore	Thos. O. Turner
Walter N. Flippin	Ray B. Moss	Fred C. VanHoose
Chas. G. Franklin	D. C. Naive	F. M. White
Perry B. Gaines	Marion F. Pogue	W. A. Yates
Robert Humphreys	Dr. G. W. Ragan	Allie W. Young
Wm. Isaacs	O. M. Rogers	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 175. An Act to amend Section 216aa-68 and 216aa-69, Carroll's Kentucky Statutes, 1930 Edition, pertaining to inquests concerning the condition of the mind or mental faculty of persons.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 216aa-68, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended so that said section as amended shall read as follows:

"The circuit courts of the several counties of this State shall have exclusive jurisdiction of all inquests concerning the condition of the mind or mental faculty of persons. When no circuit court is in session in the county, inquests of insane persons may be held by a judge of a circuit court or by the presiding judge of the county court, but in no case shall an inquest upon an idiot be held except in the circuit court."

§ 2. That Section 216aa-69, Carroll's Kentucky Statutes, 1930 Edition, be amended so that said section as amended shall read as follows:

"Any reputable person being a resident of the county and having knowledge of a person in the county who appears to be either feeble minded, an epileptic, insane or an idiot, who is not is a State or private institution for the care of such person, may file with the clerk of the circuit court a petition in writing for the trial and committment of such person and setting forth facts verified by affidavit. It shall be sufficient if the affidavit is upon information and belief."

§ 3. That all acts or parts of acts in conflict herewith are hereby repealed.

Senator Turner moved that the third reading of said bill at length be dispensed with, that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

W. W. Booles	Silas Jacobs	J. M. Rose
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	Frank I. Lloyd	Dr. Lewis Ryans
Dr. T. J. Edge	Rev. C. D. McCaw	E. D. Stephenson
Thos. C. Ferguson	Wm. Mehler	Thos. O. Turner
Walter N. Flippin	E. C. Moore	Fred C. VanHoose
Chas. G. Franklin	Ray B. Moss	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	W. A. Yates
Robert Humphreys	Dr. G. W. Ragan	Allie W. Young
Wm. Isaacs	O. M. Rogers	Gates F. Young

—33

Resolved that the title thereof be as aforesaid.

Senator Turner moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

H. Res. 10 was called from the Clerk's desk. Title of said resolution is as follows:

Resolution memorializing Congress to appropriate adequate funds to celebrate the siege of Bryan's Station and the Battle of Blue Lick in August 1932.

Senator Stephenson moved that said resolution be adopted.

The question being taken upon the adoption of said resolution, was decided in the affirmative.

Said resolution was adopted.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

FRIDAY, JANUARY 29, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Dr. E. W. Baxter of the Episcopal Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Arch Hamilton	Wm. Mehler
W. W. Booles	J. S. W. Holloway	E. C. Moore
H. M. Brock	Robert Humphreys	Ray B. Moss
Edwin C. Dawson	Wm. Isaacs	D. C. Naive
Dr. T. J. Edge	Silas Jacobs	Marion F. Pogue
Thos. C. Ferguson	Alex E. Johnson	Dr. G. W. Ragan
Walter N. Flippin	L. C. Littrell	O. M. Rogers
Chas. G. Franklin	Frank I. Lloyd	J. M. Rose
Perry B. Gaines	Rev. C. D. McCaw	R. H. Royster

Dr. Lewis Ryans	Thos. O. Turner	Sewell B. Williams
E. D. Stephenson	Fred C. VanHoose	W. A. Yates
Joe Stewart	F. M. White	Gates F. Young

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Senator Rose moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Mrs. D. E. Phillips and Mrs. T. M. Johnson of Bowling Green.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be extended to Mr. J. B. Stephens and Dr. K. S. Lester.

Said motion was agreed to.

Senator Williams moved that the privileges of the floor be extended to Mr. G. W. Leslie and Mr. Floyd Arnett.

Said motion was agreed to.

Senator Flippin moved that the privileges of the floor be extended to Mr. C. C. Duncan of Wayne County.

Said motion was agreed to.

Senator Pogue moved that the privileges of the floor be extended to Messrs. A. E. Brown, Forrest C. Pogue, Jr., and James Palmer.

Said motion was agreed to.

Senator Pogue moved that the privileges of the floor be extended to Mr. J. H. Payne.

Said motion was agreed to.

Senator Franklin moved that the privileges of the floor be extended to Mr. and Mrs. L. R. Brooks, Mr. and Mrs. P. G. Parsons and Mrs. D. R. Cacien.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be extended to Mr. R. J. Hill and Mr. M. R. Hargan.

Said motion was agreed to.

Senator Allie W. Young moved that the privileges of the floor be extended to Messrs. D. B. Caudill, D. C. Caudill, John Caudill, J. W. Riley and Sanford Bolling.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Miss Annie Liza Robern of Elizabethtown.

Said motion was agreed to.

Senator Turner moved that the privileges of the floor be extended to Dr. G. E. Hutchin and Prof. May of Cerulean.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Mr. and Mrs. Ben Niles and Mr. N. Powell Taylor of Henderson.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Mr. Carithers of Spencer County.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Mr. and Mrs. Nelson of Mt. Sterling.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to Mr. Robert Hardesty, Miss Nell Hardesty and Mr. and Mrs. Herbert Ferriell of Loretto.

Said motion was agreed to.

Senator Franklin moved that when the Senate adjourn today, it do adjourn to meet Saturday, January 30, at 10:05 o'clock A. M.

The question being taken thereon, was decided in the affirmative.

Said motion was agreed to.

Senator Franklin moved to reconsider the vote by which said motion was adopted and that said motion lie on the table.

Said motion was agreed to.

Senator Franklin proposed the following resolution:

S. Res. 18. Joint and Concurrent resolution by the two houses of the General Assembly of the Commonwealth of Kentucky.

Whereas, among the reasons for the selection of the city of Frankfort as the location of the Capitol of the Commonwealth of Kentucky, was the natural beauty of its setting, its surrounding hills, the beauty of the country adjacent thereto, and the winding of the Kentucky river through it, and

Whereas, tourist and strangers are largely attracted thereby and caused to visit the Capitol city, and

Whereas, certain commercial interests have recently engaged, for commercial purposes only, in the defacing of the

natural surface of the hills by the operation of rock quarries, so as to mar and destroy the natural beauty thereof, and

Whereas, such operations, unless soon abandoned, will render the perspective of such natural surrounding unpleasant and distasteful, as well as destructive of all ornamental effect, and

Whereas, the condition of the public treasury of the Commonwealth of Kentucky at this time forbids the appropriation of sufficient funds to prevent and subvert such vandalism, but which should be done if conditions were different, and

Whereas, for the purpose of calling attention to such destruction and expressing condemnation thereof,

Now, Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky State Park Commission, or any State agency that might hereafter succeed it in the performance of its functions, is hereby urged, as soon as it comes into possession of sufficient funds by public donation or private subscription to take such steps as it may be authorized under the law, to acquire the necessary property around and encircling the city of Frankfort, for the purpose of discontinuing and forever preventing such destruction, and for the purpose of preserving such natural scenery unmolested, untouched and unharmed.

Senator Franklin moved the suspension of the rules, and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution, it was decided in the affirmative.

Said resolution was adopted.

Senator Van Hoose proposed the following resolution:

S. Res 19.

Whereas, in the years 1925 and 1926, the Sutton Construction Company, having a contract for the building of portions of the primary State highway between Inez, Martin county and Paintsville, Johnson county, known as State project No. 34, and having entered upon the construction of same, thereafter defaulted in the performance thereof and the completion of said contract was taken over by the State highway commission, and

Whereas, thereafter the Sutton Construction Company went into bankruptcy and has been finally discharged in bankruptcy and is now wholly bankrupt and insolvent, and,

Whereas, the persons, firms and corporations named below had theretofore furnished, by contract with the Sutton Construction Company, in the construction of said highways, labor, materials, supplies and provender for which they have not been paid and for which, after deducting any dividends received from said bankruptcy, it is alleged that there remain due to them and each of them the amounts shown herein, which are due, owing and unpaid and,

Whereas, liens for said claims were filed against said State highway in the manner allowed by law but it has been impossible to enforce same by reason of the inability of the claimants to sue the Commonwealth of Kentucky or its State Highway Commission, and

Whereas, it is not now nor should be the policy of the State to permit persons, firms or corporations to supply labor, materials, supplies or provender in building its State aid highways without payment therefor by reason of the failure of the original contractor, now, therfore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following named persons, firms and cor-

porations be, and they hereby are, authorized to sue the Commonwealth of Kentucky, by and through its State Highway Commission, for the amounts respectively set opposite their names, the said amounts representing the balances claimed to be due them on said claims for labor, supplies, materials and provender so furnished and rendered in the construction of said highway, viz:

Name	Balance Claimed
Sherman Concrete Pipe Company	$2,517.62
Union Concrete Pipe Company	1,372.08
J. A. Meredith Lumber Company	280.94
S. P. King	187.00
R. C. Poage Milling Company	329.71
Keisler Milling Company	1,684.12
Pure Oil Company	1.709.16
Monty Brothers, Martin county	3,675.94
Monty Brothers, Johnson county	749.80
R. R. Robinson	798.00
L. W. Jones	491.71
Grasselli Powder Company	1,056.29
Ballard Lowe	2,037.84
Burns Mayo	1,517.03
Sam Meeks	417.98
Alex Crisp	1,455.65
Clyde Woodson	390.32
William Orders	905.24
Charles Haney	635.00
G. L. Dean	686.85
J. Q. Justice	327.56
B. S. Shoemaker	1,064.35
O. C. Bays	338.40
C. B. Crutcher	802.13
W. H. Waller	217.42
C. M. Cardwell	73.82
J. E. Strickland	751.50
C. A. Cardwell	179.60
George Dickerson	339.60
R. R. Robinson	798.00
Harold Kramer	601.50

§ 2. Said parties if they so desire, to save a municipality of suits and resulting costs, may join all their actions in one action, or may inter-plea them in the pending action of Monty Brothers vs. Sutton Construction Company, Etc., now pending in the Franklin Circuit Court, including the amendment of any pleadings now filed in said action.

§ 3. Any action or actions begun under this authority shall be commenced within one year after this resolution becomes effective.

§ 4. If upon inspection and examination and due proof of the items and accounts, the Attorney General shall be satisfied that any of said claims are just, due and unpaid, then as to such as he thus finds, he may direct settlements and upon his direction of settlement the Auditor of Public Accounts may issue warrants against the Treasury, payable to each such claimant, or to such attorney as may represent them or any of them. In the event any judgment, or judgments, are recovered by any of said claimants in such actions, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer, payable to such claimant or to such attorney as may represent them or any of them. The Commonwealth of Kentucky and the State Highway Commission shall have the right of appeal as in any other civil case.

To Committee on Kentucky Statutes No. 1.

Senator Brock proposed the following resolution:

S. Res. 20. Resolution: Whereas, Mrs. H. G. Jorris, an employee of the State Board of Charities and Corrections, having been ordered to re-possess and to re-arrest an Ex-convict to-wit: Virgie Irwin, at Bowling Green, Kentucky and having arrested the said convict and returned her to Frankfort, Kentucky, found on careful examination that the said Irwin had a pardon for the crime charged, and therefore had to, under the advice of the Attorney General, compromise and pay to her and her attorney, the sum of $320.75, the

amount the said H. G. Jorris was out all together for the said false arrest.

Therefore, be it resolved by the Senate of Kentucky, the House concurring therein, that there is hereby appropriated out of the State Treasury, the sum of Three Hundred twenty dollars and seventy-five cents, to the said H. G. Jorris, to reimburse her for said expenses so incurred, and the Auditor of Public accounts, is hereby directed to draw his warrant upon the Treasury of the Commonwealth of Kentucky for said sum in favor of the said Jorris.

To Committee on Appropriations.

Bills of the following title were introduced, referred and ordered printed, as follows, viz.:

By Senator Issacs.

S. B. 257. An Act to repeal and re-enact Section 4426b-1, Kentucky Statutes, Baldwin's 1930 Edition, relating to the election of subdistrict trustees.

To Committee on Education.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4426b-1, Carroll's Kentucky Statutes, Baldwin's 1930 Edition, be and hereby is repealed and re-enacted, so that the same when so repealed and re-enacted shall read as follows:

Section 1. Subdistrict Trustees; Election of; Vacancies; How Filled. That on and after the passage of this Act subdistrict trustees in county rural school districts shall be elected by the qualified voters of such district every two years. The election shall be conducted by two persons pos-

sessing all the qualifications of electors who reside in the district, to be appointed by the county board of education. The election shall be held at the schoolhouse in each subdistrict on the first Saturday in May between the hours of 2 o'clock p. m. and 4 o'clock p. m. and shall be viva voce. The officers of the election shall keep a record book in which the name of each person voting is recorded and the candidate for whom he votes, which book shall be properly certified by said officers and turned over to the county board of education within five days of the election. The person receiving the highest number of votes cast shall be elected subdistrict trustee for a term of two years and until his successor is elected and qualified. Any vacancy that may exist in the trusteeship of any school subdistrict shall upon the recommendation of the county superintendent be filled by appointment by the county board of education, and the trustee thus appointed shall hold office until the next regular election for subdistrict trustees. (March 22, 1922, Ch. 37, p. 141, Sec. 1.)

Section 2. Any officer of election who shall receive or assent to receive or record a vote at an election at a time or place known by him not to be the time and place lawfully appointed, or, who shall knowingly receive the vote of any other than a qualified voter or so refuse to receive the vote of a qualified voter, shall for every such offense be fined from $50.00 to $500.00, forfeit any office he then holds and be disqualified from ever holding any office.

Whereas, the elections mentioned in the foregoing section are required to be held on the first Saturday in May, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Holloway.

S. B. 258. An Act relating to the government of cities of

the fourth class in the Commonwealth of Kentucky so as to enable any city of the fourth class to adopt the city manager form of government as provided in this Act.

To Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any city of the fourth class may become organized and be governed under the provisions of this Act by proceeding as hereinafter provided. Organizing under this Act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

§ 2. All laws applicable to and governing cities of the fourth class and not inconsistent with the provisions of this Act shall continue to apply to and govern each city that may organize under this Act; and all by-laws, ordinances and resolutions in force in any such city and not inconsistent with the provisions of this Act shall continue to be in force until altered or repealed in manner provided for in this Act.

§ 3. It shall be the duty of the county judge in the county in which is located a city of the fourth class proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this Act, upon the application by written petition signed by a number of legal voters of said city equal to twenty per centum (20%) of the votes cast in said city at the last preceding election for mayor, to receive said petition, and at the next term thereafter to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold

said election to open the polls at each and all voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this Act. The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of (naming the city in which said vote is to be taken) under the city manager form of government, according to the provisions of an Act entitled (naming this Act, and giving the year or date of passage, or approval or both)?" It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears in order book, within five days after such order is made; and it shall be the duty of said sheriff, or other such officer, to have said order published in some weekly or daily newspaper published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written handbills, posted in at least three places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of said newspaper refuses to publish such notice, the printed or written handbills provided for shall be sufficient notice. If it shall be found that a majority of the legal votes cast at the election hereinabove provided for were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court and a copy thereof delivered to the clerk or recorder of the city, and at the next regular term of said court, the county judge shall cause the same to be spread on the order book of said court, and the entry of said certificate in the order book, or a copy thereof, shall be prima facie evidence of the facts therein contained. When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this Act, and said fact shall be certified as hereinabove provided, by the said canvassing board to the county clerk, and a copy thereof shall also be certified to the

city clerk, said city shall thereafter be organized and governed by the provisions of this Act. Said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the city legislative body.

§ 4. All the present city offices save those of mayor and police judge shall at the expiration of the mayor's term, or at the expiration of the term of the police judge, whichever one shall first expire, be ipso facto abolished; provided, however, that the term of any officer elected by the people shall not expire until the expiration of such term.

§ 5. If the vote shall be in favor of the organization and government of the city under the city manager form of government, then at the first succeeding regular election at which the mayor, or police judge of such city is elected, there shall be elected by the qualified voters of said city, four commissioners and a mayor, or police judge, as the case may be, who shall hold office under the provisions of this act, and such city manager form of government shall become effective, and go into operation upon the qualification and installation in office of the mayor or police judge, as the case may be, and commissioners elected at such election.

§ 6. No person shall be elected to said office of mayor or police judge, or commissioner, without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day for regular election there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later regular election. Each applicant for nomination shall, at least ten days before the day of said primary election, file with the county clerk a petition signed by at least fifty voters and in the following form:

We, the undersigned, qualified voters of the city of .....(naming it), and residing each at the

place indicated opposite his or her name signed hereto, do hereby request that the name of .....
(naming the applicant) be placed on the ballot as that of an applicant for the nomination for the office of .....
(naming the office sought) at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and is, in our judgment, qualified for the duties of said office.

.....Names .....Numbers .....Streets
.....
.....

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signature and addresses of the signers. No voter shall sign more than one such petition with reference to each office that is to be filled; and in the event that any voter shall sign more than one petition of applicants for nomination for mayor or police judge, or shall sign the petitions of more than four applicants for nomination for commissioners, then the name of such petitioner shall not be counted as a valid name on any of said petitions with reference to such office. Immediately upon the expiration of the time for filing such petitions the said county clerk shall cause to be published for three consecutive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Provided, however, that immediately upon the expiration of the time for filing such petitions, if it should appear there are not more than two applicants for the nomination as mayor or police judge, as the case may be, or not more than eight, applicants for nomination for commissioner, such applicants for mayor or police judge, as the case may be, and such applicants for commissioner shall thereby be nominated and the names of such nominees shall not be placed upon the primary ballots for such primary election, and no primary election shall be

held for nomination for such office. Upon said ballots the names of said applicants for each nomination shall be printed as provided in Section 9 of this act with a square at the right of each name, and above the names of the applicants for nomination for mayor or police judge, as the case may be, shall be printed the words "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words "Vote for four." The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation. Having caused said ballots to be printed, the said county clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the applicants, and make return thereof to the county clerk upon proper blanks to be furnished by said clerk, within six hours of the closing of the polls. On the day following the said primary election the county board of election commissioners shall canvass said returns so received from all polling precincts, and shall publish in the official newspaper of the city, at least once, the result thereof. Said canvass by the county board shall be publicly made. At such primary election the two applicants receiving the highest number of votes for nomination for mayor or police judge, as the case may be, shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for commissioners shall be thereby nominated.

§ 7. The expenses of all primary elections under the provisions of this act shall be paid by the city.

§ 8. At the regular elections held under this act the

names of the nominees shall be placed upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful nominees and the heading "city ballot," and the one nominee receiving the greater number of votes cast for mayor or police judge (as the case may be), and the four nominees receiving the greatest number of votes cast for commissioners shall be elected, respectively, mayor or police judge (as the case may be), and commissioners.

§ 9. At all elections held under this act the ballots shall be on a different sheet from all other ballots to be used in any election and shall be in the form therein prescribed, except the word "city ballot" shall be at the head thereof, and the names of all candidates for each office shall be printed on said ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots as arranged in alphabetical order and on each of the succeeding fifty ballots the names shall be printed in the same order, except that the first name on the preceding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, which last name so shifted from the first place on said previous lot of fifty ballots shall be succeeded by the second name thereon at all times, and so on thereafter throughout, a like change or rotation being made in the printed order of names for every fifty ballots.

The provisions for the general election law of the State of Kentucky as to the duties of the county clerk and other public officers in the matter of printing and distributing ballots, of the issuing of them to the voters, of receiving and depositing them in ballot boxes and of counting and preserving them, and in all other particulars except as otherwise provided herein shall be applicable in all respects to the election of the municipal officers under the provisions of this act, provided, that it shall be the duty of the sheriff of each county in which is a city of the fourth class operating under the provisions of this act, to provide for each precinct in said city a separate box for the reception of ballots used in the election

of the municipal officers. And provided, further, that it shall be the duty of the officers of election in each precinct to issue the ballots herein provided for in the same manner as other ballots are issued at said elections, by writing the name and the residence of the voter upon the primary stub and his register upon the secondary stub of the city ballot, and by observing as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for any election officer or other person within the election booth to tell or to indicate, by word of mouth or otherwise, to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor, punishable by a fine not exceeding two hundred dollars. At the opening of the polls at any election herein provided for each judge shall appoint an inspector and challenger, whose duty shall be to act as such in the precinct in which he is appointed and in so acting said inspector and challenger shall be governed by the provisions of the general election law with reference to inspector and challenger.

§ 10. Every fourth year after the election at which a mayor and said four commissioners shall be elected, and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices; and every fourth year after the election at which such police judge and said four commissioners shall be elected and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices.

§ 11. Any legal voter of not less than twenty-five years of age, and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this act.

§ 12. The mayor shall be elected for a term of four years, beginning on the first Monday in January following his election; and shall receive an annual salary of seven hundred and fifty dollars; but provided that the mayor and commissioners

elected under this act may at any time reduce said salary to an amount not less than one dollar per annum.

§ 13. The commissioners shall be elected for a term of two years, beginning the first Monday in January, following their election; and each shall receive an annual salary of five hundred dollars; but provided that the mayor and commissioners elected under this act may at any time reduce said salary to an amount not less than one dollar per annum.

§ 13½. The police judge shall be elected for a term of four years, beginning on the first Monday in January following his election, and shall receive an annual salary of $900.00.

§ 14. The mayor and the four commissioners shall constitute a board of commissioners. In this board of commissioners shall be vested all the legislative, executive and administrative power of the city, save as herein otherwise provided.

§ 15. Three members of the board of commissioners shall constitute a quorum, but the affirmative vote of at least three members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract, or to the passage of any measure. Upon each vote the yeas and nays shall be recorded and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon. Each resolution, measure or ordinance shall be signed by the mayor or by two commissioners and recorded before it shall take effect. The mayor shall have no veto power. The board of commissioners, shall, at the beginning of its term of office, elect, by a majority of all its members, one commissioner to act as mayor pro tem., and the commissioner so chosen shall be invested with all the powers and shall perform all the duties of the mayor, in the event of his absence from the city, or his inability to attend to the duties of his office.

§ 16. The mayor shall preside at meetings of the board

of commissioners and perform such other duties consistent with his office as may be imposed by the board of commissioners. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for military purposes. In time of public danger or emergency he may, with the consent of the board of commissioners, take command of the police and maintain order and enforce the laws.

§ 17. Under the City Manager Form of Government the board of commissioners shall select and employ a city manager who shall not be an officer or official of the city, but the executive agent of the mayor and board of commissioners in the management of city affairs. Neither the mayor nor board of commissioners nor any commissioner shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employes in the administrative service. Except for the purpose of inquiry the board of commissioners and its members shall deal with the administrative service solely through the city manager and neither the board of commissioners nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such dictation, prevention, orders, or other interference on the part of the mayor or of a member of the board of commissioners with the administration of the city shall be deemed to be a misdemeanor and upon conviction of any member so convicted shall be subject to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding sixty days, or both, and such conviction shall operate to remove him, and the judgment of the court shall declare the office vacant.

§ 18. The city manager shall be chosen by the Board of Commissioners solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. He hall be employed for an indefinite period. He shall be removable at will by the board

of commissioners, but such removal shall not be affected by a reduction in the compensation of the city manager, and if removed at any time after having served for six months he may in writing demand written charges and a public hearing on the same before the board of commissioners prior to the date on which his final removal shall take effect, but during such hearing the board of commissioners may suspend him from office. Such public hearing shall be fixed by the board of commissioners not to exceed thirty days after such demand therefor. During the absence or disability of the city manager the board of commissioners shall designate some properly qualified person to perform the duties of the office. The city manager shall receive such compensation as may be determined by the board of commissioners.

§ 19. The city manager shall be responsible to the board of commissioners for the proper administration of all affairs of the city, and to that end shall make all appointments, except as otherwise provided in this law. Except when the board of commissioners is considering his removal, the city manager shall be entitled to be present at all meetings of the board of commissioners and of its committees and to take part in their discussion.

§ 20. The board of commissioners shall, upon the written advice of the city manager, create by ordinance such administrative departments as in the judgment of the board are reasonably required for the efficient, orderly and economical administration of the business affairs of the city; and may at any time create new departments, combine or abolish existing departments, or establish temporary departments; and may also prescribe by ordinance the functions of each department and provide for the appointment or employment of a director of each, or of one or more of such departments. Directors of departments shall be appointed by the city manager, and may be removed by him at any time. Any person employed in any department may be removed at any time by the director of such department, or by the city manager, subject to such civil service rules and regulations as may be

deemed necessary for the efficient and non-political handling of city affairs.

§ 21. The board of commissioners, the city manager, and any officer or board authorized by them, or either of them, shall have the power to make investigations as to city affairs, to subpoena, witness, administer oaths, and compel the production of books and papers.

§ 22. Once each year the city manager shall prepare and submit to the board of commissioners an annual budget for the ensuing fiscal year, based upon estimates furnished by the several departments and other divisions of the city government, according to a classification as nearly uniform as possible. The budget shall present the following information: (a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each department, and each division thereof for the ensuing fiscal year with comparative statements in parallel columns of the appropriations and expenses for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended; (b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed; (c) A statement of the financial condition of the city; and, (d) Such other information as may be required by the board of commissioners. Copies of the budget shall be printed and available for distribution not later than two weeks after submission to the board of commissioners and a public hearing shall be given thereon by the board of commissioners or a committee thereof before action by the board of commissioners.

§ 23. The board of commissioners shall pass an annual appropriation ordinance which shall be based on the budget submitted by the city manager. The total amount of appro-

priations shall not exceed the estimated revenues of the city. Before the annual appropriation ordinance has been passed, the board of commissioners, with the recommendation in writing of the city manager, may make appropriations for the current department expenses, chargeable to the appropriations for the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by an officer or employee of the city, except in accordance with the provisions of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this charter. At any meeting after the passage of the appropriate ordinance, and after at least one week's notice, the board of commissioners may amend such ordinance, so as to authorize the transfer of unused appropriations for one purpose to another purpose, to appropriate available revenues not included in the annual budget.

§ 24. At the termination of each fiscal year an annual audit shall be made of all the accounts of all city officers. The board of commissioners shall require said audit to be made of said accounts by qualified public accountants, selected by the board of commissioners, who have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers or employees, and the board of commissioners shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet form shall be given to each voter who may apply for same at the proper office. Provided, further, that the board of commissioners may, at any time, provide for an examination or audit of the accounts of any officer or department of the city government.

§ 25. The mayor and each commissioner shall execute a bond to the city, upon which an action may be maintained by any person or persons, interested in the keeping of the covenants therein contained, in the penal sum of two thousand dollars, conditioned upon the faithful performance of his official duties, such bonds to be approved by the county

judge, and filed as matters of public record. The board of commissioners shall require bonds with adequate surety of such amounts as it may deem advisable, from the city manager, and from any other city employee whose duties, in the opinion of said board, require a bond for faithful performance. Any premiums on any or all bonds provided for in this act may, at the discretion of the commissioners, be paid by the city.

§ 26. Nothing herein shall be construed to apply to the organization, existence, or conduct of the affairs, of the board of education.

§ 27. Every ordinance or resolution ordering the construction or reconstruction of any street or sewer, or making or authorizing any contract involving the expenditure of more than five hundred dollars, or granting any franchise of the right to use or occupy the streets, highways, bridges, or public places of the city for any except a merely temporary purpose shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance shall go into effect until the expiration of ten days after its passage, except in case of emergency the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the board of commissioners.

§ 28. The board of commissioners shall meet at least once a week for the transaction of its business. It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the mayor or by two commissioners. All meetings shall be public.

§ 29. In case of the death, resignation or inability of the mayor, causing a permanent vacancy in said office, the mayor pro tem, shall act as mayor and shall possess all the rights and powers and perform all the duties of the mayor and receive his salary, under the official title, however, of mayor

pro tem., until such vacancy in the office of mayor is filled by an election ordered by the board of commissioners for that purpose, at which time the mayor pro tem., if his term as commissioner be then unexpired, shall resume his duties as such commissioner. In the event that any commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in the event the mayor pro tem. shall be filling the office of mayor as contemplated as hereinabove provided for such period, the board of commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the commissioner whose place may thus be temporarily filled until such commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation. In the event of a permanent vacancy in the board of commissioners caused by the death, resignation or inability of any member thereof, or in the event a permanent vacancy in the office of mayor shall be filled by the mayor pro tem., such vacancy shall be filled by appointment by the other members of the board until the vacancy shall be filled by the election of a successor at the next regular election of municipal officers, as is prescribed by law, and such temporary appointee shall for the time he serves as such, receive the salary of the commissioner whose place he has been appointed to fill. A vacancy shall exist when any elective officer moves from his domicile outside the city, or remains outside the city for a period of six months, or is convicted of a felony, or judicially declared insane, or is removed from the office in any manner.

Elective officers shall qualify on or before the first Monday in January following their election.

§ 30. In case of misconduct, inability or wilfull neglect in the performance of the duties of his office, the mayor or any commissioner may be removed from office by a unanimous vote of the other four members of the board of commissioners. But no such officer shall be so removed without

having been given the right to have a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at any such hearing, and the reasons for any such removal, shall be stated in writing and filed as matter of public record.

§ 31. If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and certified as to signatures and residence by the affidavits of some one or more persons, shall be presented to the board of commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect, and shall be reconsidered by the board of commissioners. If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or a regular election according to law, the following question: "Shall the ordinance (briefly describing it), go into effect?" and if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority of the votes cast upon such question be in the affirmative the ordinance shall go into effect as soon as the result is officially ascertained and declared.

§ 32. If a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by affidavits of some one or more persons as to the signatures and residences, requesting the board of commissioners to pass an ordinance therein set forth —if such petition be presented to the board of commissioners, and if the ordinance therein requested to be passed be one that the board has a legal right to pass, then the board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question

of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance (briefly describing it), be passed?" If a majority of the votes cast upon said question be in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective, as soon as the result is officially ascertained and declared. And such ordinance shall not be amended or repealed, except by the voters at a regular biennial city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election. The board of commissioners may submit the question of repeal or amendment of any such ordinance to the voters at any succeeding regular city election; and if a majority of the votes cast on such questions be in favor of the repeal or amendment, such ordinance shall be thereby repealed, or amended, as the case may be.

§ 33. Whenever a question of passage of a proposed ordinance or of the going into effect, or the repeal, or the amendment of an ordinance is to be submitted to the voters at an election, the board of commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendment, as the case may be, to be printed once in the official newspaper of the city, and in such other newspapers as the board of commissioners may direct, before such election.

§ 34. Whenever the citizens of any city, which shall have been organized and governed under the provisions of this act for a period of not less than four years, shall desire that the organization and government of such under the provisions of this act shall terminate and cease, and shall desire that said city be organized and governed under the "Councilmanic Form of Government," under the provisions of an act entitled "An Act for the government of cities of the fourth class in the Commonwealth of Kentucky," approved March 19, 1894, as amended, which act and which amendments do now appear as Chapter 89-4 of the Carroll's Kentucky Statutes, 1930 Edition, and said citizens shall file with the county judge of the county in which is located said city, written peti-

tions signed by a number of the legal voters of said city equal to twenty-five per centum (25%) of the votes cast in said city at the last preceding general election, it shall be the duty of the county judge of said county to receive said petition and at the next regular term thereafter to make an order on his books, directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with said judge, which order shall direct the sheriff or other officer of said county who may be appointed to hold said election, to open the polls at each and all the voting places in said city for the purpose of taking the sense of the voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this act, and the adoption of the "Councilmanic Form" of government as provided for in said act above named and the amendment thereto. The question to be submitted to the voters shall be: "Shall the city of..... .....(naming said city) abandon its organization and government under the 'City Manager' form of government as provided for in an act entitled (naming this act, and giving the year or date of passage or approval, or both), and be organized and governed under the 'Councilmanic' form of government as provided for in an act entitled: 'An Act for the government of cities of the fourth class in the Commonwealth of Kentucky', approved March 19, 1894, and the amendments thereto." It shall be the duty of the county clerk to give to the sheriff of the county or to such other officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears on the order book, within five days after such order is made and it shall be the duty of said sheriff or other officer, to have such order published in some weekly or daily newspaper published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written handbills posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of such paper refused to publish said notice, the printed or written handbills provided for shall

be sufficient notice. The sheriff or other officer shall have the advertisements and notices herein provided for, posted as herein required, within seven days after he receives the orders of the county court. It shall be the duty of the canvassing board to certify the result of said election to the county court, which certificate shall be delivered to the clerk of the city and at the next regular term of said court the county judge shall cause the same to be spread upon the order book of said court and the entry of said certificate on the order book, or copy thereof shall be prima facie evidence of the facts therein contained. When a majority of the votes cast shall be in favor of said proposition to be submitted, and said facts shall be certified to as hereinbefore provided, by the said canvassing board to the county clerk and a copy of which shall be certified to the city clerk and said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the board of commissioners, thereupon said city shall cease to be governed by the provision of this act, but thereafter shall be governed by the "Councilmanic" form of municipal government as provided for in an act entitled: "An Act for the government of cities of the fourth class in the Commonwealth of Kentucky," and the amendments thereto, which said act was approved March 19th, 1894, independent of the provisions of this act. Provided that the commissioners then or theretofore elected shall continue in office and administer the government of such city until the expiration of the terms for which they were elected; and provided further that elections under this section shall not be held at the same time commissioners are elected.

§ 35. Nothing in this act shall be construed to prevent any city of the fourth class in the Commonwealth of Kentucky from becoming organized and being governed under the commission form of municipal government as provided in Article 13 of Chapter 89-4 of the 1930 Edition of John D. Carroll's Kentucky Statutes, and being Sections 3606b to 3606b-30 inclusive thereof, by following the procedure therein provided for.

§ 36. All acts, or parts of acts, in conflict herewith are, to the extent of such conflict hereby repealed.

§ 37. If any section of this act be held to be invalid, or unconstitutional, such fact shall not affect any other section of this act, it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be invalid, or unconstitutional, such fact shall not affect the remaining portion of such section, it being the intention of the General Assembly to enact each section of this act and each proviso and each exception thereto, separately.

By Senator Ferguson.

S. B. 259. An Act establishing as a part of the Primary System of State Highways of the Commonwealth of Kentucky a road beginning near Chalybeate and running thence via Chalybeate High School, Pine Grove Presbyterian Church, and Boiling Springs to a point on the Dixie Highway.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created and established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at a point in the Chalybeate Spring "Cut Off" highway near Chalybeate, Kentucky, where county road intersects same, thence via Chalybeate High School to Pine Grove Presbyterian Church, thence via Boiling Spring to a point on the Dixie Highway.

§ 2. The construction, maintenance, supervision, and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, as amended, establishing

and creating the primary system of roads and highways of this Commonwealth, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

§ 3. Said road shall be known and designated as Project No. —.

By Senator Ferguson.

S. B. 260. An Act repealing and re-enacting Sections 4130, 4135, 4143, 4147 and 4148 of Carroll's Kentucky Statutes, 1930 Edition, which sections relate to revenue and taxation, and repealing all acts, parts of acts, and laws in conflict with this act.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4130 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and reenacted, so that said section when thus repealed and reenacted shall read as follows:

"The sheriff or collector shall, on or before the first day of June next succeeding his election, and on or before the said day annually thereafter, enter into bonds with surety for the faithful performance of his duties as revenue collector. A quietus by the auditor of public accounts, and from the fiscal court of this county for the preceding year following the first one, shall be produced by each sheriff or collector of the county court on or before that day, and no tax-book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he qualifies,

up to and including the first day of June succeeding his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose.

The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payment of all their debts and liabilities, a sum equal to the aggregate amount of money which may probably be received by the sheriff or collector during the year succeeding the execution of the bond.

The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff or collector, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of the office of sheriff or collector, or a de facto sheriff or collector, or any person who may act as sheriff or collector, provided, however, that if in any county the tax records are destroyed by fire, lost, stolen, or mutilated, so as to require a reassessment of the property in any county or recertification of the tax bills, that the sheriff in such counties shall have five months from the time he receives said recertified tax bills within which to make the settlements with the fiscal court and auditor as herein provided and to execute the bond referred to in this section, and to receive his quietus from the auditor of public accounts and from the fiscal court of his county for the preceding year.

§ 2. That section 4135, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed and re-enacted, so that said section when thus repealed and re-enacted shall read as follows:

The outgoing sheriff, as soon as his successor has been

qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office and shall make a full and complete settlement of his accounts as sheriff. Except that the outgoing sheriff upon the execution, as herein provided, a new revenue bond, shall keep in his possession all unpaid tax bills and shall collect and account for same as provided by law, and shall have until the first day of June after his term of office has expired to make his settlement with the auditor of public accounts and the fiscal court of his county and to receive his quietus, and immediately thereafter he shall deliver these records to his successor. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a sum not less than fifty ($50) dollars nor more than five hundred ($500) dollars and be liable on his bond for any default.

§ 3. That Section 4143 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and re-enacted, so that said section when thus repealed and re-enacted shall read as follows:

The sheriff or collector of revenue in each county of this Commonwealth shall on or before the 10th day of each month report under oath to the Auditor of Public Accounts the amount of all taxes he has collected for the preceding month, and shall, on or before the making of such report, pay into the State Treasury all taxes which he has collected for the State for said preceding month. Any sheriff or collecting officer who shall fail to report as herein required, shall be liable to indictment in the Franklin Circuit Court, and upon conviction shall be fined not less than one hundred ($100) dollars nor more than five hundred ($500) for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin County at each term of said court any such sheriff or collector failing to report as herein required. Any sheriff or collector failing to pay over

any taxes collected by him and due the state as hereinabove set out, shall be required by the Auditor of Public Accounts to pay a penalty of six per centum (6%), and interest at the rate of six per centum (6%) on such taxes, and the Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this Act.

§ 4. That Section 4147 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and re-enacted, so that section when thus repealed and re-enacted shall read as follows:

The sheriff or collector of the state and county revenue of each county of this Commonwealth, shall, on or before the 10th day of each month, in each year, report under oath to the county court of his county the amount of State and county taxes he has collected during the month preceding, together with all fines, forfeitures or money, or any other account that shall have been received or collected by him for said preceding month, showing in said report the amount collected for and belonging to each particular fund, for which said revenue or money may be intended, and the disposition of such revenue or money collected by him. The sheriff or collecting officer shall be required by the fiscal court to pay a penalty of six per centum (6%) on all taxes or other moneys collected by him and unpaid by him to the county treasurer by the 10th day of each month following the month in which such collection was made. The reports herein referred to shall be filed and recorded in separate books furnished by the county court for that purpose, which shall be open for inspection in the office of the county clerk. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined not less than one hundred ($100) dollars nor more than five hundred ($500) dollars.

§ 5. That Section 4148, of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and re-

enacted so that said section when thus repealed and re-enacted shall read as follows:

All state, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment, and all taxpayers whose taxes are not paid on or before the last day of February after the same are due, shall be deemed delinquent, and such taxes shall bear interest at the rate of six per centum (6%) per annum from the last day of February after they are due until paid, and any person or persons failing to pay their taxes on or by the last day of February after they are due, shall pay a penalty of six per centum (6%) additional on the taxes due and unpaid. Providing any taxpayer who pays his or her or its state, county or district taxes on or before November 1, after same becomes due in any year, shall be entitled to two per centum (2%) discount thereon, and the collector, in case of all such payments will allow such reduction and give a receipt in full to the taxpayer. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

§ 6. If any section of this Act shall be held to be invalid or unconstitutional, such fact shall not affect any other section of this Act, it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section of this act shall be held invalid or unconstitutional, such fact shall not affect the remaining portion of such section, it being the intention of the General Assembly to enact each section of this Act and each proviso and each exception thereto separately.

§ 7. All acts and laws in conflict herewith, to the extent of such conflict, are hereby repealed.

By Senator Humphreys.

S. B. 261. An Act to repeal and re-enact Sections 6, 9

and 15 of "An Act to repeal and re-enact an Act entitled 'An act granting pensions to indigent and disabled Confederate soldiers,' which Act became a law March 11, 1912," and which Act repealing and re-enacting it was Chapter 22B, Acts of 1914, page 115, and said sections 6, 9 and 15 of the 1914 re-enacted Act as amended by Chapter 150 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1928, page 521 of said Acts are now Sections 415B-6, 415B-9, and 415B-15 of the Kentucky Statutes, Carroll's 1930 Edition.

To Committee on Veteran's Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 6 of Chapter 22B, Acts of 1914, page 115, as amended by Chapter 150, Acts for 1928, page 521, now Section 415B-6 of the Kentucky Statutes, Carroll's 1930 Edition, be amended and re-enacted so that when so enacted it will read as follows:

"That any Confederate veteran who has been an actual bona fide resident of this State continuously since January 1, 1907, and who did actual military service in the Confederate army from the date of his enlistment till the close of the war or until he was honorably discharged as an officer or private soldier or sailor in the military and naval service of the Confederate States of America in the war of 1861-65, or the widow of such officer or private soldier or sailor to whom she was married prior to January 1, 1900, and who was living with him as his lawful wife at the time of his death and who has not re-married again since the death of her veteran husband shall be paid out of the State Treasury the sum of $30.00 per month upon proof of the fact according to forms and regulations prescribed by this Act and conditions therein; Provided, that any officer or private soldier or sailor who was prevented from so serving until the close of the war, or until he was

honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service, shall be entitled to the benefits of this Act as though he had served until the close of the war or until honorably discharged; and provided, further, that any officer or private soldier or sailor who deserted or was dishonorably discharged, shall not be entitled to the benefits of this Act unless he be re-enlisted or returned to the service in the Confederate army and served until the close of the war or until he was honorably discharged or was prevented from so serving by wounds received or disease contracted in line of duty which rendered him unable to perform further military service."

§ 2. That Section 9 of Chapter 22B, Acts of 1914, page 115, now Section 415B-9 of the Kentucky Statutes, Carroll's 1930 Edition, be amended and re-enacted so that when so enacted it will read as follows:

"That no person shall be entitled to the benefits of this act who is able to earn a support by manual labor; or

"Who is able to earn a support by reason of his or her knowledge, art, or skill, in any profession, trade or craft; or

"Who receives a pension from the United States or any state or foreign government, or any other source; or

"Who removes from this state or is absent therefrom for a period of three months; or

"Who possesses an income to the amount of three hundred dollars a year, or an income equivalent to three hundred dollars a year; or who is living with his wife who possesses property in fee simple or a life interest of the value of two thousand five hundred dollars, or an income of three hundred dollars a year; or

"Whose support is suitably provided for and secured by

reason of a contract or agreement with a person able to provide such support; or

"Who by reason of combined partial ability to earn a support and income and property, or any and all of these combined is able to obtain an income equivalent to $300 a year."

§ 3. That Section 15 of the same Act as amended by Chapter 150 of the Act of the General Assembly of the Commonwealth of Kentucky for 1928, page 521, now Section 415B-15, Kentucky Statutes, Carroll's 1930 Edition, be amended and re-enacted so that it will read as follows:

"When a pension shall have been allowed, the Commissioner shall issue to the applicant the pension certificate showing that he or she is entitled to a pension at the rate of $30.00 per month from the date that the petitioner's application is filed in the Commissioner's office, with proof of service in the Confederate army sufficient to bring such veteran within the provisions of the Confederate pension law. No back pay shall be allowed any veteran prior to furnishing such proof as referred to above, and upon which the pension is allowed.

"Payments shall be made on said certificate (certificates) quarterly each year; on the 15th day of February, May, August and November, upon the proper execution of a voucher by the pensioner before an officer authorized to administer oaths and having a seal. The voucher shall be furnished to the pensioner by the Commissioner and returned to him after being properly executed. The Commissioner shall then prepare the pension roll for the quarterly payment, with the post office address and the amount due each pensioner, and file the same together with the vouchers with the Auditor. The Auditor shall then issue his warrants upon the Treasury for the respective sums and the Treasurer shall forward a Treasury check to the address of each pensioner. In the event there is not sufficient funds in the hands of the Treasury to justify the issuing of the pension checks thus provided for,

the Auditor's warrants shall be stamped interest bearing by the Treasurer, at the rate of five per cent and mailed to the pensioner."

§ 4. All acts or parts of Acts in conflict herewith are hereby repealed.

§ 5. There being many old and needy veterans and widows of veterans of the Confederate army now in need of the aid offered by this bill, there is declared to be an emergency, and for this reason this Act shall take effect and be in force from and after its passage and approval by the Governor.

By Senator Moss.

S. B. 262. An Act to add to the primary system of roads in Rockcastle County from the entrance of the Dughill road into Highway No. 138 to Bishop's Store.

To Committee on Roads and Highways.

Said Act reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the primary road system in Rockcastle County a road from the entrance of the Dughill road into Highway No. 138 by the French farm, thence with Negro Creek Road to Bishop's store.

By Senator White.

S. B. 263. An Act creating and establishing as part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning at Tompkinsville, Monroe County, Kentucky, and leading to the Old Mulkey Meeting House State Park.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created and established as a part of the primary system of roads and highways of the Commonwealth of Kentucky, a road beginning at Tompkinsville, Monroe County, Kentucky, and leading to the Old Mulkey Meeting House State Park.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating the primary system of roads and highways in this Commonwealth.

By Senator Rogers.

S. B. 264. An Act to amend Chapter 165 of the 1930 Act of the General Assembly of the Commonwealth of Kentucky entitled an Act relating to the creation of water districts in counties of this State, and providing for the establishment, construction or purchase of water systems.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 165 of the General Assembly of the Commonwealth of Kentucky entitled "An Act relating to the creation of water districts in the counties of this State as approved March 26, 1930, be and the same is hereby amended by extending same as follows:

§ 1. That any Water District established in accordance with the provisions of said Chapter No. 165 of the Acts of the General Assembly of 1930 is hereby authorized and empowered to purchase, establish, erect, maintain and operate additions, extensions and all necessary appurtenances to the water plant, pumping machinery, supply mains and principal delivery mains, the cost of which may not be assessed as a local benefit, within or without the boundaries of said Water District under the limits of this Act for the purpose of supplying said Water District and the inhabitants thereof with water.

For the purpose of defraying the cost or acquiring any such additions, extensions and necessary appurtenances to the said water works, either by purchase or construction, any such Water District may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six per centum (6%) per annum. Such ordinance shall be enacted by the Water Commissioners of said Water District and shall provide that the proposed additions, extensions or necessary appurtenances which are to be constructed, purchased or acquired are to be made pursuant to the provisions of this Act.

One or more of such additions, extensions or appurtenances owned by one or more corporations or persons may be acquired hereunder as a single enterprise, and the Water Commissioners shall have authority to agree with the owner or owners as to the value thereof and to purchase the same at such value.

All bonds under the provisions of this Act may be issued bearing interest at a rate not exceeding six per centum (6%) per annum payable either anually or semi-annually and shall be executed in such manner and be payable at such times not exceeding twenty-five years from the date thereof and at such place or places as such Board of Water Commissioners shall determine.

Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant and shall not be subject to taxation. In case any of the officers whose signatures or countersignatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the Water Commissioners shall deem for the best interest of such Water District, or any contract for the purchase or acquisition of any such additions, extensions and appurtenances to the said water works may provide that payment thereof shall be made in such bonds. In no event shall any such bonds be negotiated on a basis to yield more than six per cent. Such bonds when issued shall be payable solely from the revenue funds derived from such water works as provided in Section 8 hereof and shall not constitute an indebtedness of such Water District within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this Act and that it does not constitute an indebtedness of such Water District within the meaning of any constitutional provisions or limitations.

All moneys derived from any bonds issued pursuant hereto shall be applied solely for the purchase, acquisition or erection of such additions, extensions and appurtenances to the said water works provided such money may be used also to advance the payment of interest on bonds during the first three years following the date of such bonds.

If there be any default in the payment of the principal or interest of such bonds any court having jurisdiction of the action may appoint a receiver to administer said water works on behalf of the water district with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against said water works and for

the payment of the operating expenses and to apply the income and revenue in conformity with this act and the ordinance referred to in Section 8 hereof.

At or before the issuance of such bonds the Board of Water Commissioners of such water district shall by ordinance set aside and pledge the income and revenue of such water works into a separate and special fund to be used and applied in the payment of the cost of the said additions, extensions or appurtenances to said water works and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary to be so set apart and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the service from such water works shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the operation and maintenance thereof and adequate depreciation account. Such rates shall be fixed and revised from time to time so as to produce these amounts.

If any surplus shall be accumulated in the operating and maintenance funds which shall be equal to the cost of maintaining and operating such water works during the remainder of the calendar, operating or fiscal year, as may be provided by the ordinance hereinabove required and the cost of maintaining and operating such water works during the succeeding like calendar year, operating or fiscal year, any excess over such amount may be transferred at any time by the Water Commissioners to the depreciation account to be used for any improvements, extensions or additions to such water works.

The funds accumulating to the depreciation account shall

be expended in balancing depreciation in such water works or in making new construction, extensions or additions thereto. Any such accumulations may be invested as the Water Commissioners may designate and if invested, the income from such investments shall be carried into the depreciation account.

Should the Board of Water Commissioners find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein required.

Whereas, water districts created under the Act referred to in the title are without adequate supply of water to meet the increasing demands therefor and such companies are without power to lay mains to other sources of supply beyond these boundaries an emergency is declared to exist and this Act shall be and become effective from and after its passage and approval.

By Senator Gaines.

S. B. 265. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed; defining same, providing for inspection thereof and fixing penalties for violation of this Act; naming the enforcing agent; prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this Act; to provide means for carrying out its provisions; and to repeal all laws or parts of laws in conflict with this Act.

To Committee on Agriculture and State Fair.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term "agricultural seeds" or "agricultural

seed," as used in this Act, shall be defined as the seeds of Canada bluegrass, Kentucky bluegrass, brome grass, fescues, millets, tall meadow oat grass, orchard grass, crested dogstail, redtop, Italian ryegrass, perennial ryegrass, grain sorghums, sweet sorghums, Sudan grass, timothy, alfalfa, alsike clover, crimson clover, red clover, sweet clover, white clover, Canada field peas, Austrian peas, cowpeas, soybeans, vetches, lespedeza sp., buckwheat, flax, hemp, tobacco, rape, seed potatoes, barley, corn of all kinds, oats, rye, wheat, lettuce, peas, tomatoes, beans, onions, cabbage, carrots, melons and other truck crop seeds, grasses, cereals and legumes which are sold, offered or exposed for sale within this State for seeding purposes within this State.

LABEL REQUIREMENTS OF AGRICULTURAL SEEDS

§ 2. Every lot of agricultural seeds, as defined in Section 1 of this Act except as herein otherwise provided, when in bulk, packages or other container of one pound or more, shall have affixed thereto, in a conspicuous place on the exterior of the container of such agricultural seeds, a plainly written or printed tag or label in the English language, in a manner prescribed by the Director of the Kentucky Agricultural Experiment Station or his agent, stating:

(a) Commonly accepted name of such agricultural seeds.

(b) The approximate percentage by weight of purity; meaning, the freedom of such agricultural seeds from inert matter and from other seeds distinguishable by their appearance.

(c) The approximate total percentage by weight of weed seeds; the term "weed seeds," as herein used, being defined as the noxious weed seeds listed in Section 2, subsection (d) and all seeds not listed in Section 1 as agricultural seeds.

(d) The name and approximate number per ounce of each kind of the seeds or bulblets of the noxious weeds pro-

vided for in Section 2, subsection (d) of this Act which are present per ounce of agricultural seeds.

Noxious weed seeds or bulblets are defined as the seeds or bulblets of quack-grass (Agropyron repens), dodder (Cuscuta sp.), sorrel (Rumex acetosella), buckhorn (Plantago lanceolata), corn cockle (Agrostemma githago), wild onion (Allium vineale), Canada thistle (Cirsium arvense), and such other weeds as the Director of the Kentucky Agricultural Experiment Station or his agent may from time to time determine to be noxious and a menace to the best interests of the agriculture of Kentucky. Provided, however, that twelve months notice shall be given to the seed trade before any addition to the noxious weed list shall become effective.

(e) The approximate percentage of germination of such agricultural pure seeds designated together with the month and year said seeds were tested.

(f) Full name and address of the vendor of such agricultural seed.

(g) Name of State where such seed was grown, and if this is unknown, a statement to that effect.

LABEL REQUIREMENTS OF MIXTURES OF AGRICULTURAL SEEDS

§ 3. Mixtures of agricultural seeds which contain two or more kinds of such seeds each present in excess of five per cent by weight of the total mixture, when sold, offered or exposed for sale as mixtures, shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixtures of seeds, a plainly written or printed tag or label, in the English language, stating:

(a) That such seed is a mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture if in excess of five (5) per cent by weight of the total mixture.

(c) Approximate percentage by weight of total weed seeds as defined in Section 2-c of this Act.

(d) The name and approximate number per ounce of each kind of seeds or bulblets of the noxious weeds listed in Section 2, subsection (d) of this Act which are present.

(e) Approximate percentage of germination of each kind of agricultural seed present in such mixture if in excess of five (5) per cent by weight, together with the month and year said seed was tested.

(f) Full name and address of vendor of such mixture.

(g) Name of State where such seed was grown, and if this is unknown, a statement to that effect.

LABEL REQUIREMENTS OF SPECIAL MIXTURES

§ 4. Special mixtures of agricultural seeds except as specified in Section 3 of this Act, when sold, offered or exposed for sale as mixtures in bulk, packages or other containers of one pound or more shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly written or printed tag or label in the English language, stating:

(a) That such seed is a mixture.

(b) The name of each kind of agricultural seed which is present in proportion of five (5) per cent or more of the total mixture.

(c) The approximate total percentage by weight of weed seeds as defined in Section 2-c of this Act.

(d) Approximate percentage by weight of inert matter.

(e) The name and approximate number per ounce of each kind of seeds or bulblets of noxious weeds listed in Section 2, subsection (d) of this Act, which are present.

(f) Full name and address of the vendor of such mixture.

CERTIFIED SEED

§ 5. Seeds, roots or tubers bearing the certified tag of any Growers' Association whose standards of purity and of germination are below those of the Kentucky Seed Improvement Association, shall not be sold or offered for sale in the State of Kentucky. Standards announced by the Secretary in the printed regulations governing the Kentucky Seed Improvement Association in June of each year shall be those prevailing for that month and the eleven succeeding months.

EXEMPTIONS

§ 6. Agricultural seeds or mixtures of same shall be exempt from the provisions of this Act:

(a) When possessed, exposed for sale or sold for food or feed purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

(c) When in store for the purpose of recleaning and not possessed, sold or offered for sale for seeding purposes within the State.

(d) When the seed is grown, sold and delivered by a producer on his own premises to the purchaser himself. If, however, the seed is advertised for sale by the public press, circular or catalogue, or if the seed is delivered by a common carrier, the seller shall be deemed a vendor and said seed and seller shall be subject to all the provisions and requirements of this Act.

DUTIES AND AUTHORITY OF ENFORCING OFFICER

§ 7. The duty of enforcing this Act and carrying out its provisions and requirements shall be vested in the Director of the Kentucky Agricultural Experiment Station or his

agents. The said Director or his agent upon notice to the seed trade of this State, shall be empowered to adopt such rules and regulations as may be deemed necessary in order to secure the efficient enforcement of this Act; provided that the said Kentucky Experiment Station shall maintain a laboratory with the necessary equipment and shall employ such analysts, inspectors and assistants as may be necessary for the proper enforcement and carrying out of the provisions of this Act, and with the approval of the Board of Trustees of the University of Kentucky, the Director of the Kentucky Agricultural Experiment Station shall fix the salaries of said analysts, inspectors and assistants. It shall be the duty of the Director of the Kentucky Agricultural Experiment Station or his agents at his discretion, to publish, or cause to be published, the results of the examination, analysis and tests of any and all samples of agricultural seed or mixtures of such seed, drawn as provided for in Section 9, together with any other information he may deem advisable. The Director of the Kentucky Agricultural Experiment Station or his agent, is empowered to seize any seed sold in or offered for sale in Kentucky which is not properly labeled and hold same until proper labeling is effected by the shipper or seller of such seed.

§ 8. The word "approximate" as used in this Act shall be defined in the rules and regulations provided for in this Act, by the Director of the Kentucky Agricultural Experiment Station or his agent who shall be guided by the "Rules and Methods of Testing" adopted and approved by the Association of Official Seed Analysts of North America.

INSPECTOR, SAMPLING AND TESTING

§ 9. It shall be the duty of the Director through his authorized agents, to inspect, examine and make analysis of and test any agricultural seeds sold, offered or exposed for sale within this State for seeding purposes within this State, at such time and place, and to such extent as he may determine. The Director, and his agents, shall have free access at all reasonable hours to any premises or structures, or any

vehicle, truck or other carrier to make examination of any such agricultural seeds, whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in possession of any warehouse, vehicle, truck, elevator or steamship company and he is hereby given authority in person or by his agents, to take for analysis a sample of such agricultural seeds. In case a sample upon test or analysis, is found to fall below the statement on the tag or label attached to the lot from which said sample was secured, or to violate any of the provisions of this Act, the vendor or consignee of said lot of seed shall be notified and a copy of said notice mailed to the person, firm or corporation whose tag or label was found affixed thereto.

VIOLATIONS DEFINED

§ 10. It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale within this State any agricultural seeds, or mixtures of agricultural seeds, as defined in this Act, for seeding purposes within this State without complying with the requirements of this Act, or falsely to mark, label, or misrepresent any agricultural seeds, or to interfere in any way with the inspectors or assistants in discharge of the duties herein named.

VIOLATIONS AND PROSECUTIONS

§ 11. Every violation of the provisions of this Act shall be deemed a misdemeanor punishable by a fine of not less than $25.00 and not more than $100.00 and if the Director of the Kentucky Agricultural Experiment Station or his agent shall find upon examination, analysis or test, that any person, firm or corporation has violated any of the provisions of this Act, he or his authorized agent or agents may institute proceedings in a court of competent jurisdiction to have such person, firm or corporation convicted therefor, or the Director or his agent at his discretion may report the results of such examination to the Attorney General of Kentucky together with the sworn statement of the analyst, duly acknowledged, and such other evidence of said violation as he shall deem neces-

sary. Provided, however, that no prosecutions under this Act, shall be instituted except in the manner following: When the Director of the Kentucky Agricultural Experiment Station or his agent finds that the Act has been violated, he shall give notice to the person or firm in whose hands the seed was found, designating a time and place for a hearing. This hearing shall be private and the person or firm involved shall have the right to introduce evidence either in person, or by agent, or attorney. If, after said hearing, or without such hearing, in case said person fails or refuses to appear, the said Director or his agent decides that the evidence warrants prosecution, he shall proceed as herein provided.

It shall be the duty of the Attorney General of Kentucky or at his discretion he may act through the Attorney of the Commonwealth of the county or district or city in which said violation has occurred, to institute proceedings at once in any court of competent jurisdiction against the person, or persons, firms or corporations charged with such violation.

In any prosecution arising from this Act the analysis or test by the Kentucky Agricultural Experiment Station shall be final evidence of the true nature or condition of such seeds.

PROVISION FOR FREE TESTS

§ 12. Any citizen of this State shall have the privilege of submitting to the Kentucky Agricultural Experiment Station samples of agricultural seeds for test and analysis, subject to such rules and regulations as may be adopted by said Director of the Kentucky Agricultural Experiment Station. The Director may by such regulations fix the maximum number of samples that may be tested free of charge for any one citizen in any one period of time and fix charges for tests of samples submitted in excess of those tested free of charge. In case of non-residents of Kentucky, a fee for the test of purity and for germination shall be paid in advance to the Director of the Kentucky Agricultural Experiment Station, said fees to be fixed by the Director or his agent in accordance with rules and regulations set forth in Section 7 of the Act. All

moneys received from such fees shall be paid over to the Treasurer of the Board of Control of said Station to be used in defraying the expenses of seed analysis.

§ 13. For the purpose of defraying the cost of inspection and analysis of agricultural seeds, the tags or labels specified in Sections 2, 3 and 4 of this Act must be purchased from the Director of the Kentucky Agricultural Experiment Station or his agent who shall receive 8 cents each for 100 pound tags or labels, 6 cents each for 75 pound tags or labels, 4 cents each for 50 pound tags or labels and 2 cents each for 25 pound tags or labels for alfalfa, sweet clover, and all grass and clover seeds or mixtures of any of these, and 4 cents each for 100 pound tags or labels, 3 cents each for 75 pound tags or labels, 2 cents each for 50 pound tags or labels, 1 cent each for 25 pound tags or labels, for all other agricultural seeds included in this Act. Money collected by the Director of the Kentucky Agricultural Experiment Station or his agent from the sale of tags shall be paid into the treasury of the Kentucky Agricultural Experiment Station, the Board of Trustees of which shall expend the same in meeting the necessary expenses in carrying out the provisions of this Act including the employment of inspectors, analysts and other assistants.

§ 14. The tag or label specified in Sections 2, 3 and 4 of this Act must be delivered to the purchaser with every sale of agricultural seed as defined in this Act if said sale amounts to one pound or more whether said sale is in bulk or in package.

§ 15. If any section or provision of the Act shall be held invalid the remaining sections and provisions shall not thereby be affected, showing a legislative intention of adopting the Act by sections as well as a whole.

§ 16. An Act entitled, "An Act to regulate the sale of Agricultural and other seeds," enacted by the General Assembly at its regular session of 1916, and any other laws or parts of laws in conflict with this Act, are hereby repealed.

§ 17. This Act shall be effective on and after July 1, 1932.

By Senator Gates F. Young.

S. B. 266. An Act to repeal, amend and re-enact Section 165a-17, Carroll's Kentucky Statutes, 1930 Edition, relating to insolvent banks, powers and duties of commissioner in respect to assets of said bank and fixing amount of bonds for commissioner, deputy commissioner, State bank examiner or receiver of such banks, and providing for distribution of assets thereof.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 165a-17 of Kentucky Statutes, Carroll's 1930 Edition, be repealed, amended and re-enacted so that when amended and re-enacted said section shall read as follows:

"165a-17. Insolvent bank; powers and duties of commissioner in respect to; assets, how applied. The banking commissioner may, under his hand and official seal, appoint one or more special deputy banking commissioners, as agent or agents, to assist him in the duty of liquidating and distributing the assets of any insolvent bank, the certificates of appointment to be filed in the office of the banking commissioner, and a certified copy in the office of the clerk of the circuit court in the county in which the office of such insolvent bank is located.

The banking commissioner may, from time to time, authorize a special deputy commissioner to perform such duties connected with the liquidation and distribution, as the banking commissioner may deem proper. The banking commissioner may employ such counsel, and procure such expert

assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank, and may retain such officers or employees of such bank as he may deem necessary He shall require from a special deputy commissioner such surety for the faithful discharge of his duties as he may deem proper, provided, however, it shall not be for less than 10% of the assets of the bank when such assets amount to one million dollars or more and not less than 15% of the assets of such bank when such assets amount to five hundred thousand or more and less than one million dollars, and not for less than 25% of the assets of such bank when such assets amount to less than five hundred thousand dollars.

Whenever, under the provisions of this Act, the banking commissioner in person or by a deputy or by a State bank examiner, shall take charge of any bank, or the court shall appoint a receiver as in this Act is provided, such person shall be allowed for his services not exceeding the sum of two dollars per hour for not exceeding ten hours per day for the time actually engaged by him in labor in the liquidation of the bank. If such person be a special deputy, appointed by the commissioner, or a receiver, appointed by the court, such allowance shall be paid to him as his compensation, and if such person shall be the banking commissioner or his deputy or a State bank examiner, the amount so allowed as compensation shall be paid into the State treasury; and the commissioner shall fix the compensation of the counsel and any special assistants subject to review by the court, and all such expenses shall be paid out of the bank so liquidated.

Whenever the banking commissioner, in person, or by deputy or by State bank examiner, shall take charge of any bank under the provisions of this Act, he shall, within thirty days thereafter, file in the office of the clerk of the circuit court of the county in which the bank is located a detailed statement in the form prescribed in Section 165a-10 of this Act, of the assets and liabilities of such bank, and thereafter upon the first day of the term of each succeeding session of the circuit court of such county, and every sixty days in

counties having circuit courts of continuous sessions, he shall file a report of his acts and doings in the administration of such bank since his last report; and any person, firm, or corporation may, by petition addressed to the circuit court, have any act of such commissioner reviewed by the court, in the same manner and with the same rights and powers as would have attached had such commissioner been a receiver appointed by the court.

The banking commissioner shall cause notice to be given by advertisement in such newspapers as such bank's semi-annual reports are published, weekly for three consecutive months, calling on all persons who may have claims against such insolvent bank to present the same to the banking commissioner, and make legal proof thereof, at a place and within a time not more than six months after the last date of publication, to be therein specified. He shall mail a copy of such notice to all persons whose names appear as creditors upon the books of such bank. If the commissioner doubts the justice and validity of any claim, he may reject the same and serve written notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the banking commissioner. An action upon a claim so rejected must be brought within six months after such notice. Claims presented after the notification of the time fixed in the notice to creditors, shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the banking commissioner, equitably applicable thereto.

The assets of any bank in liquidation under this Act shall be applied (a) to the payments of costs and charges of liquidation, and preferred claims; (b) to satisfaction of secured claims to the extent of such security; (c) to the satisfaction of all other debts, including unsatisfied balances of secured claims, ratably and without preference to the amount allowed at the time of distribution, and (d) the residue, after all liabilities are paid shall be distributed for the benefit of

the stockholders ratably, or may, on their request, be turned over to them or their agents for settlement.

Whenever the banking commissioner in person or by a deputy or by a State bank examiner shall have charge of liquidating any bank, or a receiver appointed by any court shall have charge of liquidating the affairs of any bank as in this Act is provided, such persons shall make a distribution of such assets of said bank to the general creditors thereof at such times as in his opinion is prudent, but in all events shall make the distribution to the general creditors of said bank at such time as he may have in his possession, in cash or cash items, an amount equal to 10% of the assets of such bank.

By Senator Littrell.

S. B. 267. An Act to establish as a part of the primary system of State highways a road beginning at the Glencoe, Kentucky, bridge on the Owen County side, thence to Old Sparta in Owen County, Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the Glencoe, Kentucky, bridge on the Owen County side, and running to Old Sparta in Owen County, Kentucky.

§ 2. The construction, maintenance, supervision, and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly as amended, to the same effect as if said road had been named

in the original Act as one of the projects of the primary system of State highways as provided therein.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Littrell.

S. B. 268. An Act to amend Section 559, Kentucky Statutes, Carroll's 1930 Edition, by striking out of said section the word "two-thirds" and substituting in lieu thereof the word "majority."

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any corporation may, by the consent in writing of its owners of at least a majority of its capital stock, change or amend any of the articles of its incorporation, and such alteration or amendment shall be signed and acknowledged by the directors or a majority of them, and filed and recorded as articles of incorporation are required to be.

Whereas, there are many corporations which need to have their capital stock reduced and it will be to the best interests of the persons or corporations who have money invested in them to have this Act become operative upon its passage, for this reason an emergency is declared to exist and this Act will become operative upon its passage and approval by the Governor.

By Senator Littrell.

S. B. 269. An Act relating to State project highway rights-of-way and allowing counties certain credits thereon.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any county of the Commonwealth of Kentucky is required to obtain a right of way for any State project highway or road, either by condemnation proceedings or purchase, and is required to contribute funds in aid of construction of such State project highway, such funds so required of any county of the Commonwealth of Kentucky for said construction shall be credited by such an amount such county shall pay out for any right of way, either by condemnation proceedings or purchase, and the county shall only be required to pay a sum equal to difference between the amount required to be paid on said construction and the amount expended for right of way whether expended by condemnation proceedings or by purchase.

§ 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

By Senator McCaw.

S. B. 270. An Act to establish a commission of five representative Kentuckians for the purpose of ascertaining the number of units required for the efficient administration of the State government; and for the purpose of grouping or combining certain counties as in the judgment of the Commission may be necessary; providing that they submit a report of their labors to the next General Assembly of Kentucky for its determination; appropriating money for the expenses of the Commission from the general fund of the State treasury; repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor of the Commonwealth of Kentucky is hereby empowered to appoint a commission of five members who shall be representative Kentuckians, for the purpose of making a survey and ascertaining the number of units required for the efficient administration of the State government, and for the purpose of grouping or combining certain counties as in the judgment of the commission may be deemed necessary.

§ 2. The commission shall be electors and citizens of the State. One of the members of the commission shall be chosen from a district said to represent the Eastern section of the State, one from what is said to represent the Western section of the Commonwealth, one from the Northern and one from what is represented to be the Southern section of the State and one from the central section of Kentucky.

§ 3. It shall be the duty of the commission to prepare a map or report showing the most feasible plan or method of combining the various counties of the State.

§ 4. The Commission shall report its findings and report to the next General Assembly of Kentucky, meeting in 1934.

§ 5. There is hereby appropriated out of the general expense fund of the State the sum of five thousand ($5,000) dollars with which to defray the necessary expenses of the commission, and which shall be submitted on itemized account to the Governor of the State.

§ 6. All laws or parts of laws in conflict herewith are hereby repealed.

§ 7. Whereas, in view of the fact that there are many

so-called "pauper" counties in Kentucky barely able to collect enough revenue to defray their own expenses, and

§ 8. Whereas, it is a great burden on the taxpayers of the State of Kentucky at large to continue in existence so many separate units of government, and

§ 9. Whereas, the combination and grouping of many of the counties together will effect a great saving to the taxpayers and people of Kentucky, and

§ 10. Whereas, the appointment of these five representative citizens of the State for the purpose as outlined in the previous sections of this Act will be a great economic saving to our people.

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By Senator McCaw.

S. B. 271. An Act to define and provide for a broad policy of conservation for the Commonwealth of Kentucky, and for this purpose the creating of a Department of Conservation; organizing and creating within the Department of Conservation divisions of game and fish, forestry, and State parks; for the more efficient and more economical operation and administration of the related activities of the Commonwealth, transferring the administration of game and fish, forestry, and State parks to the Department of Conservation, and abolishing certain existing agencies; providing for and

appropriating a separate fund from all income of the game and fish division, and providing the manner of and the placing of restrictions upon the expenditures of this division; creating the office of Commissioner of Conservation, Chief of the Division of Game and Fish, Chief of the Division of Forestry, Chief of the Division of State Parks; providing for necessary employees and outlining their powers and duties, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Conservation of wild life and of fish, reclamation and reforestration of waste lands, establishment of State parks at points of scenic and/or historical places of interest, and preservation of the sports of field and stream for all time, are declared to be a public policy.

(a) A department of conservation is hereby created, and it is charged with the formulation and execution of plans, policies and projects in furtherance of this public policy and of this Act. The department shall maintain its office at the seat of the State government, the city of Frankfort.

(b) The Governor is hereby empowered to appoint, effecting with this Act, a Commissioner of Conservation who shall be active head of the Department of Conservation. He shall be appointed with the advise and consent of the Senate and his appointment shall be confirmed by this body. Such commissioner shall serve for a term of four years, and until his successor is appointed and qualifies.

(c) The commissioner shall be a person versed in the subjects of and which the Department of Conservation is

charged to administer. He shall receive a salary of five thousand ($5,000) dollars per annum, payable one-half (½) from the game and fish and one-half (½) as other salaries of State officials are paid.

(d) Appointments to vacancies shall be for the unexpired term.

(e) The commissioner shall give bond with good and sufficient surety of ten thousand ($10,000) dollars to the Commonwealth before entering upon the discharge of his duties.

§ 2. There shall be created within the Department of Conservation three main divisions, and such other divisions as the commissioner may deem necessary for administrative purposes. These main divisions shall be styled the "Division of Game and Fish," the "Division of Forestry," and the "Division of State Parks." The Commissioner of Conservation shall appoint a chief of each division, with the consent and approval of the Governor, and shall fix their salaries except as they may be fixed by law. Such chiefs shall serve concurrently with the term of the Commissioner of Conservation unless sooner removed by him for cause. The Chief of the Division of Forestry shall be a technically trained forester.

§ 3. The Commissioner of Conservation, assisted by the chiefs of the respective divisions, shall be empowered to administer and enforce all laws relating to game and fish, forestry and State Parks. He shall employ in each division such wardens, stenographers, bookkeepers and other assistants as he may determine to be necessary, and such employees shall be paid from the budgets of the respective divisions in the same manner as is now provided by law.

§ 4. All moneys forwarded to the State Treasurer in payment of hunting licenses, fishing licenses, contrabrand, fines, penalties and forfeitures arising from the game and fish laws of the Commonwealth shall be set aside by the State Treasurer and shall constitute a special fund for the payment

of all expenses, costs and expenditures of the Division of Game and Fish of the Department of Conservation, and no part of such fund shall be used for any other purpose. One-half of the salary of the Commissioner of Conservation from such game and fish fund. The Commonwealth shall in no event be liable for expenses, costs and expenditures of the Division of Game and Fish, or for the one-half of the salary of the Commissioner of Conservation to be paid from such fund, except to the extent of such game and fish fund. The State Auditor shall not issue his warrant for any services, costs or expenditures of such Division of Game and Fish, or for one-half (½) of the salary of the Commissioner of Conservation payable from such game and fish fund, unless the money to pay such voucher shall be then and there on hand in the State Treasury to the credit of such fund.

§ 5. The Commissioner of Conservation is charged to administer the several provisions of this Act, and it is the legislative intent that he shall administer his department and the divisions thereof in co-operation between all the related activities of the Department of Conservation and with the pertinent agencies of the Federal Government, to the end that State parks, game preserves and reforestation shall be established at a minimum cost to their respective budgets and that each such State or national park, game preserve or reforestration project shall constitute, where feasible, a recreation site serving the purposes of game preservation, reforestation and park area.

§ 6. The Department of Conservation shall acquire by gift or purchase or by ninety-nine (99) year lease with option of renewal, tracts or surface rights of tracts of timber lands, cut over timber lands or marsh lands of low commercial value, and for the purpose of the eventual establishment of public shooting grounds. Such tracts contemplated for such eventual use as public shooting grounds shall be of sufficiently large extent to make such use feasible in the opinion of the Commissioner of Conservation. The Commissioner of Conservation may declare such areas or parts of such areas

to be game preserves for the purpose of rehabilitating game until, in his judgment, sufficient game stock has been restored to permit opening of such areas to hunting and trapping during the legal hunting and trapping seasons. When so declared to be game preserves, such areas shall be closed to hunting and trapping in the same manner as other game preserves.

§ 7. The Department of Conservation may acquire by lease, for short or long term, or by gift but not otherwise, small tracts of land for use as game preserves, but only nominal rentals shall be paid for such leaseholds.

§ 8. The game and fish fund as outlined in Section three (3) of this Act is hereby appropriated annually to the Department of Conservation, for the uses and purposes of its division of game and fish and for no other purpose, as follows: Twenty (20) percentum of the income from hunting licenses for the purchase, rearing and distribution of quail or other small game birds; twenty (20) percentum of the income of hunting licenses for the purchase or long term leasing of large areas of land, contemplated to be opened eventually as public hunting grounds as described in Section six (6) of this Act. All other income of the game and fish fund, for the general purposes of the Division of Game and Fish.

§ 9. All laws applicable to the present Game and Fish Commission, not repealed by or in conflict with this Act, are continued in force, and where they impose duties and powers on the "Commission" or on the "Commission of Game and Fish" they shall be construed to apply to the Department of Conservation.

§ 10. That Section 2007h-2, Carroll's Kentucky Statutes, 1930 Edition, be repealed, amended and re-enacted so that when said section is repealed and re-enacted it shall read as follows:

(a) "That all properties relating to or belonging to the office of State Forester or the former board of forestry and

all properties relating to forestry such as maps, reports, forestry library, nursery stock, nursery utensils, forestry reserves, owned by the Commonwealth of Kentucky, and used or maintained property in carrying on forestry activities are assigned to and placed in the custody, care and control of the Department of Conservation, which shall assume responsibility for and control of same, and take such steps as may be necessary or expedient for their use and preservation. The Chief of the Division of Forestry of the Department of Conservation shall be the State Forester.

(b) "That for such services the Chief of the Division of Forestry (State Forester) shall receive the sum of three thousand ($3,000) dollars per annum, payable as other State officers are paid."

§ 11. All laws applicable to the present State Forester, not repealed by or in conflict with this Act, are continued in force, and where they impose duties and powers on the State Forester or upon the Commissioner of Agriculture, Labor and Statistics they shall be construed to apply to the Chief of the Division of Forestry and/or the Commissioner of Conservation.

§ 12. The Commissioner of Conservation and/or the Chief of the Division of State Parks shall receive, take, preserve, improve, hold and manage property for State park purposes, and custody of existing State parks and of the records of the existing State Park Commission is hereby transferred to the Department of Conservation.

§ 13. All laws applicable to the present State Park Commission, not repealed by or in conflict with this Act, are continued in full force and effect, and where they impose duties and powers on the "Commission" or on the "Kentucky State Park Commission" or upon any officers under such commission, they shall be construed to apply to the Department of Conservation and the Division of State Parks.

§ 14. The Chief of the Divisions of Game and Fish,

Forestry, and State Parks, shall give bond to the Commonwealth with good and sufficient surety in the sum of five thousand ($5,000) dollars before entering upon the discharge of their duties.

§ 15. Sections 2007h-2, 2007h-3, 3766d-1, and 3766d-2 and all other laws or parts of laws in conflict herewith are hereby repealed.

§ 16. Whereas in view of the haphazard system now prevailing in the operation and management of these various departments of our State government, and in order that these departments might be co-ordinated and re-organized, an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

By Senator Gaines.

S. B. 272. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions, and agencies of the State government of the Commonwealth of Kentucky for the fiscal years ending June 30, 1933, and June 30, 1934, designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid and repealing all annual blanket and/or continuing appropriations not provided for in this Act, and all laws or parts of laws in conflict with any provision thereof.

To Committee on Appropriations.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Executive Department. There are hereby appropriated out of the general expenditure fund for the Executive

Department of the State government, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For salary of the Governor, private secretary, stenographic help and other employes, and for printing, stamps, office supplies, extra help and other operations of the department, the sum of $16,900.00

(b-1) For contingent and maintenance fund, the sum of $6,000.00.

There are hereby appropriated out of the general expenditure fund for the Executive Department of the State government, for the fiscal year ending June 30, 1934, the following purposes:

(a-2) For salary of the Governor, private secretary, stenographic help and other employes, and for printing, stamps, office supplies, extra help and other operations of the department, the sum of $16,900.00

(b-2) For contingent and maintenance fund, the sum of $6,000.00.

§ 2. Lieutenant Governor. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Lieutenant Governor, for the fiscal year ending June 30, 1933, for the purpose of paying clerical hire and other expenses, the sum of $2,500.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Lieutenant Governor, for the fiscal year ending June 30, 1934, for the purpose of paying clerical hire and other expenses, the sum of $2,500.00.

§ 3. Secretary of State. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of Secretary of State, for the fiscal year

ending June 30, 1933, for the purpose of paying all salaries, clerical help, printing, stamps, office supplies, and all other expenses incident to the operation of said department, the sum of $20,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of Secretary of State, for the fiscal year, ending June 30, 1934, for the purpose of paying all salaries, clerical help, printing, stamps, office supplies, and all other expenses incident to the operation of said department, the sum of $20,000.00.

§ 4. Attorney General. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Attorney General's Department of the Commonwealth of Kentucky, for the fiscal year ending June 30, 1933, for the purpose of paying salaries of the Attorney General, Assistant Attorneys General, law clerks, stenographic help, necessary traveling expenses of the department, when engaged in the State's business, printing, stamps, office supplies, furniture and books, the sum of $45,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Attorney General's Department of the Commonwealth of Kentucky, for the fiscal year ending June 30, 1934, for the purpose of paying salaries of the Attorney General, Assistant Attorneys General, law clerks, stenographic help, necessary traveling expenses of the department, when engaged in the State's business, printing, stamps, office supplies, furniture and books, the sum of $45,000.00.

§ 5. Auditor of Public Accounts. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of the Auditor of Public Accounts of the Commonwealth of Kentucky, for the fiscal year ending June 30, 1933, for salaries, clerical hire, printing, stamps, office supplies, and necessary traveling expenses, the sum of $45,700.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of Auditor of Public Accounts of the Commonwealth of Kentucky, for the fiscal year ending June 30, 1934, for salaries, clerical hire, printing, stamps, office supplies, and necessary traveling expenses, the sum of $45,700.00.

§ 6. State Treasurer. There is hereby appropriated out of the general expenditure fund for the use and benefit of the State Treasurer's Department, for the fiscal year ending June 30, 1933, for the purpose of paying salaries, clerical help, printing, stamps, supplies, and all other expenses incident to the maintenance and operation of said department, the sum of $17,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the State Treasurer's Department for the fiscal year ending June 30, 1934, for the purpose of paying salaries, clerical help, printing, stamps, supplies, and all other expenses incident to the maintenance and operation of said department, the sum of $17,000,00.

§ 7. Department of Agriculture, Labor and Statistics. There are hereby appropriated out of the general expenditure fund for the use of the Department of Agriculture, Labor and Statistics, for the fiscal year ending June 30, 1933, the following amounts for the following purposes:

(a-1) For the purpose of paying all salaries and clerical hire for said department, $12,000.00.

(b-1) For the purpose of paying per diem, traveling expenses, and other expenses now allowed by law to the State Board of Agriculture, $4,000.00.

(c-1) For the purpose of paying all the expenses of the immigration branch (free employment) of said department as now allowed by law, or as may hereafter be allowed by law, $500.00.

(d-1) For the purpose of paying for the stationery, printing, office supplies, equipment, telephone and telegraph bills, express, freight and hauling charges, and postage of said department, and traveling expenses of the Commissioner, $7,000.00.

(e-1) For the purpose of paying all the expenses included in the field work of said department now permitted and allowed by law, or as may hereafter be authorized by law; for defraying the expenses of said department and collecting statistics, as is now, or may hereafter be, allowed by law; for paying special premiums which said department is now or may hereafter be authorized by law to pay; and for creating an emergency and cooperative fund for the use of said department, as now or may hereafter be authorized by law, $17,750.00.

(f-1) For the purpose of paying the salaries, printing, postage, and general expenses connected with the State Labor Department, the sum of $19,500.00.

There are hereby appropriated out of the general expenditure fund for the use of the Department of Agriculture, Labor and Statistics, for the fiscal year ending June 30, 1934, the following amounts for the following purposes:

(a-2) For the purpose of paying all the salaries and clerical hire for said department, $12,000.00.

(b-2) For the purpose of paying per diem, traveling expenses, and other expenses now allowed by law to the State Board of Agriculture, $4,000.00.

(c-2) For the purpose of paying all the expenses of the immigration branch (free employment) of said department as now allowed by law, or as may hereafter be allowed by law, $500.00.

(d-2) For the purpose of paying for the stationery, printing, office supplies, equipment, telephone and telegraph

bills, express, freight and hauling charges, and postage of said department, and traveling expenses of the Commissioner, $7,000.00.

(e-2) For the purpose of paying all the expenses included in the field work of said department now permitted and allowed by law, or as may hereafter be authorized by law; for defraying the expenses of said department and collecting statistics, as is now, or may hereafter be, allowed by law; for paying special premiums which said department is now or may hereafter be authorized by law to pay; and for creating an emergency and cooperative fund for the use of said department, as now or may hereafter be authorized by law, $17,750.00.

(f-2) For the purpose of paying the salaries, printing, postage, and general expenses connected with the State Labor Department, the sum of $19,500.00.

§ 8. State Live Stock Sanitary Board. There is hereby appropriated out of the general expenditure fund for the use and benefit of the State Live Stock Sanitary Board, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, traveling expenses, printing, stamps, supplies, and all other expenses incident to the maintenance and operation of said department, as now provided by law, or as may hereafter be provided by law, the sum of $36,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the State Live Stock Sanitary Board, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, traveling expenses, printing, stamps, supplies, and all other expenses incident to the maintenance and operation of said department, as now provided by law, or as may hereafter be provided by law, the sum of $36,000.00.

§ 9. Department of Forestry. There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Department of Forestry, for the fiscal year end-

ing June 30, 1933, for the purpose of paying the salaries, printing, postage, and general expenses connected with said department, and for cooperation with the Federal Forestry Laws, the sum of $15,000.00.

There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Department of Forestry, for the fiscal year ending June 30, 1934, for the purpose of paying the salaries, printing, postage, and general expenses connected with said department, and for cooperation with the Federal Forestry Laws, the sum of $15,000.00.

§ 10. State Board of Agriculture—Kentucky State Fair —Live Stock Show. There are hereby appropriated out of the general expenditure fund, for the use of the State Board of Agriculture, for the Kentucky State Fair, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For salaries, traveling expenses, maintenance and operation, $20,000.00.

(b-1) Premiums for the Kentucky State Fair, $25,000.00.

(c-1) To be used in retiring a part of the bonded indebtedness in the sum of $15,000.00.

(d-1) To be used for the purpose of paying bank notes and current indebtedness made prior to January 1, 1932, $55,000.00.

(e-1) Premiums for the Live Stock Show, $4,000.00.

(f-1) Premiums Boys' and Girls' Clubs, $5,000.00.

g-1) In addition to the above appropriations, there are hereby appropriated to the State Board of Agriculture, for the use and benefit of the Kentucky State Fair, including additional premiums, all sums realized by the State Board of Agriculture from the sales of concessions, admissions, adver-

tising, entry fees, stalls, rents, exhibitors' tickets, rent of buildings and grounds, and from pavilion, grand stand, and midway show receipts.

There are hereby appropriated out of the general expenditure fund, for the use of the State Board of Agriculture, for the Kentucky State Fair, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For salaries, traveling expenses, maintenance and operation, $20,000.00.

(b-2) Premiums for the Kentucky State Fair, $25,000.00.

(c-2) Premiums for the Live Stock Show, $4,000.00.

(d-2) Premiums for Boys' and Girls' Clubs, $5,000.00.

(e-2) In addition to the above appropriations, there are hereby appropriated to the State Board of Agriculture, for the use and benefit of the Kentucky State Fair, including additional premiums, all sums realized by the State Board of Agriculture from the sales of concessions, admissions, advertising, entry fees, stalls, rents, exhibitors' tickets, rent of buildings and grounds, and from pavilion, grand stand, and midway show receipts.

§ 11. Clerk of Court of Appeals. There is hereby appropriated out of the general expenditure fund for the benefit of the office of the Clerk of the Court of Appeals, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, printing, office supplies, janitor service, and other expenses incident to the operation of said office, the sum of $18,000.00.

There is hereby appropriated out of the general expenditure fund for the benefit of the office of the Clerk of the Court of Appeals, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, printing, office supplies, janitor

service, and other expenses incident to the operation of said office, the sum of $18,000.00.

§ 12. Railroad Commission. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Railroad Commission, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, traveling expenses, printing, stamps, office supplies, and all other expenses incident to the operation and maintenance of said department, the sum of $18,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Railroad Commission, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, traveling expenses printing, stamps, office supplies, and all other expenses incident to the operation and maintenance of said department, the sum of $18,000.00.

§ 13. State Librarian. There is hereby appropriated out of the general expenditure fund for the use and benefit of the State Librarian, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, printing, books, stamps, office supplies, and other costs incident to the operation and maintenance of said department as now provided by law, or may hereafter be provided by law, the sum of $10,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the State Librarian, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, printing, books, stamps, office supplies, and other costs incident to the operation and maintenance of said department as now provided by law, or may hereafter be provided by law, the sum of $10,000.00.

§ 14. Kentucky Library Commission. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Library Commission, for the fiscal year ending June 30, 1933, to be expended by it for the purposes now allowed by law, or that may hereafter be allowed by law, the sum of $12,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Library Commission, for the fiscal year ending June 30, 1934, to be expended by it for the purposes now allowed by law, or that may hereafter be allowed by law, the sum of $12,000.00.

§ 15. Department of Banking. There is hereby set aside and appropriated for the use and benefit of the Department of Banking, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, printing, stamps, supplies, and other expenses of the operation and maintenance of said department, the fees realized from examinations of the sundry banks and building and loan associations as now provided by law, or as may hereafter be provided by law, not to exceed $50,000.00.

There is hereby set aside and appropriated for the use and benefit of the Department of Banking, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, printing, stamps, supplies and other expenses of the operation and maintenance of said department, the fees realized from examinations of the sundry banks and building and loan associations as now provided by law, or as may hereafter be provided by law, not to exceed $50,000.00.

§ 16. Department of Kentucky Securities. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of Kentucky Securities, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, traveling expenses, printing, stamps, office supplies, and all other expenses incident to the operation and maintenance of the department, the sum of $10,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of Kentucky Securities, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, traveling expenses, printing, stamps, office supplies, and all other expenses incident to the operation and maintenance of the department, the sum of $10,000.00.

§ 17. State Board of Election Commissioners. There is hereby appropriated out of the general expenditure fund for the benefit of the State Board of Election Commissioners, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries or clerical hire, printing, stamps, and all necessary expenses and supplies, the sum of $500.00.

There is hereby appropriated out of the general expenditure fund for the benefit of the State Board of Election Commissioners, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries or clerical hire, printing, stamps, and all necessary expenses and supplies, the sum of $500.00.

§ 18. Confederate Pension Department. There are hereby appropriated out of the general expenditure fund for the benefit of the Confederate Pension Department, or the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For salaries, clerical hire, printing, stamps, office supplies, and other expenses of operation, the sum of $5,000.00.

(b-1) For the payment of pensions heretofore allowed, or that may hereafter be allowed, the sum of $225,000.00.

There are hereby appropriated out of the general expenditure fund for the benefit of the Confederate Pension Department, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For salaries, clerical hire, printing, stamps, office supplies, and other expenses of operation, the sum of $5,000.00.

(b-2) For the payment of pensions heretofore allowed, or that may hereafter be allowed, the sum of $200,000.00.

§ 19. Kentucky Confederate Home. There is hereby ap-

propriated out of the general expenditure fund for the benefit of the Kentucky Confederate Home, for the fiscal year ending June 30, 1933, for the purpose of paying salaries of officers and employes, expenses of operation and maintenance, the sum of $10,000.00.

There is hereby appropriated out of the general expenditure fund for the benefit of the Kentucky Confederate Home, for the fiscal year ending June 30, 1934, for the payment of salaries of officers and employes, and expenses of operation and maintenance, the sum of $10,000.00.

§ 20. State Tax Commission. There are hereby appropriated for the use and benefit of the State Tax Commission, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For the payment of salaries, clerical help, traveling expenses, printing, stamps, equipment, and office supplies, and all other expenses incident to the administration of the laws relating to revenue and taxation, out of the general expenditure fund, the sum of $70,000.00.

(b-1) For the payment of salaries and expenses of administration of the licensing of motor vehicles, dealers and chauffeurs, out of the State revenues the funds now, or that may hereafter be authorized by law, and not exceeding forty-five (45) cents on each motor vehicle registered or transferred, or chauffeur licensed, to be paid out of the amount realized from such licenses and transfers, an amount not to exceed $225,000.00.

(c-1) To pay for salaries and expenses in administration of the collection of gasoline tax and enforcing the laws pertaining thereto an amount not to exceed $50,000.00, to be paid out of the gasoline tax fund.

(d-1) To pay salaries, clerical hire, traveling and other necessary expenses incident to the administration of the Gross

Sales Tax Department an amount not to exceed $50,000.00, to be paid out of the taxes collected by said department.

There are hereby appropriated for the use and benefit of the State Tax Commission, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For the payment of salaries, clerical help, traveling expenses, printing, stamps, equipment and office supplies, and all other expenses incident to the administration of the laws relating to revenue and taxation, out of the general expenditure fund, the sum of $70,000.00.

(b-2) For the payment of salaries and expenses of administration of the licensing of motor vehicles, dealers and chauffeurs, out of the State revenues the funds now, or that may hereafter be authorized by law, and not exceeding forty-five (45) cents on each motor vehicle registered or transferred, or chauffeur license, to be paid out of the amount realized from such licenses and transfers, an amount not to exceed $225,000.00.

(c-2) To pay for salaries and expenses in administration of the collection of gasoline tax and enforcing the laws pertaining thereto, an amount not to exceed $50,000.00, to be paid out of the gasoline tax fund.

(d-2) To pay for salaries, clerical hire, traveling and other necessary expenses incident to the administration of the Gross Sales Tax Department an amount not to exceed $50,000.00, to be paid out of the taxes collected by said department.

§ 21. Superintendent of Public Printing. There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Superintendent of Public Printing, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries clerical help, traveling expenses, printing, stamps, and office supplies, the sum of $5,000.00.

There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Superintendent of Public Printing, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, clerical help, traveling expenses, printing, stamps, and office supplies, the sum of $5,000.00.

§ 22. State Inspector and Examiner. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of State Inspector and Examiner, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, traveling expenses, printing, stamps, office supplies, and all other expenses incident to the maintenance and operation of said department, the sum of $22,500.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of State Inspector and Examiner, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, traveling expenses, printing, stamps, office supplies, and all other expenses incident to the maintenance and operation of said department, the sum of $22,500.00.

§ 23. Custodian of Public Buildings. There are hereby appropriated out of the general expenditure fund for the benefit of the Custodian of Public Buildings, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For all salaries of custodian and other employes, and past due accounts and overdrafts, $30,000.00.

(b-1) For repairs, supplies, permanent improvements of public buildings, and all other maintenance and operating expenses, including printing, stamps, and office supplies, $35,000.00.

There are hereby appropriated out of the general expenditure fund for the benefit of the Custodian of Public

Buildings, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For all salaries of custodian and other employes, and past due accounts and overdrafts, $30,000.00.

(b-2) For repairs, supplies, permanent improvements of public buildings, and all other maintenance and operating expenses, including printing, stamps, and office supplies, $35,000.00.

§ 24. Kentucky State Historical Society. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky State Historical Society, for the fiscal year ending June 30, 1933, for the purpose of paying salaries of all officers and employes, including janitor, and all other expenses incident to the maintenance, operation, and conduct of said department, the sum of $8,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky State Historical Society, for the fiscal year ending June 30, 1934, for the purpose of paying salaries of all officers and employes, including janitor and all other expenses incident to the maintenance, operation, and conduct of said department, the sum of $8,000.00.

§ 25. Department of Mines and Mining. There is hereby appropriated out of the general expenditure fund for the Department of Mines and Mining, for the fiscal year ending June 30, 1933, for the purpose of the payment of all salaries, clerical hire, traveling expenses allowed by law, printing, stamps, supplies, and all other cost of maintenance and operation of said department, the sum of $32,500.00.

There is hereby appropriated out of the general expenditure fund for the Department of Mines and Mining, for the fiscal year ending June 30, 1934, for the purpose of the payment of all salaries, clerical hire, traveling expenses allowed by law, printing, stamps, supplies, and all other costs of main-

tenance and operation of said department, the sum of $32,500.00.

§ 26. Adjutant General. There are hereby appropriated out of the general expenditure fund, as now provided by law, for the benefit of the Adjutant General of the State, for use for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For the payment of salaries and clerical hire, traveling expenses, maintenance and operation, supplies, repairs, printing and postage necessary for the use of said department, costs of conducting courts of inquiry and courts martial, and for maintenance of National Guards at home stations, including cleaning and repairing of military equipment, freight, express and drayage, payment of officers and examining boards, traveling expenses, and all other expenses incident to the maintenance of the National Guard at home stations, $35,000.00.

(b-1) For the Adjutant General's Emergency Fund. There is set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $40,000.00, to be used to pay expenses incident to the Kentucky National Guard, when ordered and approved by the Governor, as provided under Section 2711-2711a-55, Kentucky Statutes.

There are hereby appropriated out of the general expenditure fund for the use and benefit of the Adjutant General's Department, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For the payment of salaries and clerical hire, traveling expenses, maintenance and operation, supplies, repairs, printing and postage necessary for the use of said department, costs of conducting courts of inquiry and courts martial, and for maintenance of National Guards at home stations, including cleaning and repairing of military equipment, freight, express and drayage, payment of officers and examin-

ing boards, traveling expenses, and all other expenses incident to the maintenance of the National Guard at home stations, $35,000.00.

(b-1) For the Adjutant General's Emergency Fund. There is set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, the sum of $40,000.00, to be used to pay expenses incident to the Kentucky National Guard, when ordered and approved by the Governor, as provided under Section 2711-2711a-55, Kentucky Statutes.

§ 27. State Printing Commission. There is hereby appropriated to the State Printing Commission, out of the general expenditure fund, for the purpose of paying for the necessary paper for use in State printing, for the fiscal year ending June 30, 1933, in the manner now provided by law, the sum of $60,000.00.

There is hereby appropriated to the State Printing Commission out of the general expenditure fund, for the purpose of paying for the necessary paper for use in State printing, for the fiscal year ending June 30, 1934, in the manner now provided by law, the sum of $60,000.00.

§ 28. Kentucky Geological Survey. There is hereby appropriated out of the general expenditure fund for the Kentucky Geological Survey, for the fiscal year ending June 30, 1933, for the purpose of making geological, chemical, technical, soil, and other investigations authorized by the provisions of Chapter 34 of the Acts of 1920, for the purpose of paying all salaries, including the salary of the Director and State Geologist, field expenses, clerical expenses, clerical assistance, laboratory, field equipment, supplies, freight charges, and all necessary miscellaneous items of permanent improvement to the property and effects of the Kentucky Geological Survey, and for the purpose of paying for all office expenses, printing, and traveling expenses, revising and reproducing geological reports, maps and other data, the sum of $3,000.00.

There is hereby appropriated out of the general expenditure fund for the Kentucky Geological Survey, for the fiscal year ending June 30, 1934, for the purpose of making geological, chemical, technical, soil, and other investigations authorized by the provisions of Chapter 34 of the Acts of 1920, for the purpose of paying all salaries, including the salary of the Director and State Geologist, field expenses, clerical expenses, clerical assistance, laboratory, field equipment, supplies, freight charges, and all necessary miscellaneous items of permanent improvement to the property and effects of the Kentucky Geological Survey, and for the purpose of paying for all office expenses, printing and traveling expenses, the sum of $3,000.00.

§ 29. State Board of Health. There are hereby appropriated out of the general expenditure fund for the use of the State Board of Health, for the fiscal year ending June 30, 1933, the following amounts to be used for the following purposes:

(a-1) For the purpose of paying salaries, clerical help, traveling expenses, stamps, supplies, and all other operating expenses, the sum of $90,000.00.

(b-1) For the prevention of venereal diseases, the sum of $9,000.00.

(c-1) For social hygiene and sex education, to be used by the Venereal Disease Bureau, the sum of $4,500.00.

(d-1) For the prevention and treatment of trachoma, the sum of $5,000.00.

(e-1) For the State aid in connection with the conducting of the United States Public Health Service Trachoma Hospital, at Richmond, the sum of $7,500.00.

(f-1) For the prevention and treatment of tuberculosis the sum of $10,000.00.

(g-1) To provide free beds for indigent patients with incipient tuberculosis at the State Tuberculosis Sanatorium, Hazelwood, the sum of $12,500.00.

(h-1) For the Dental Health Bureau, the sum of $10,000.00.

(i-1) For the protection of the health of mothers and children in accordance with Section 3, Chapter 120, of the Acts of 1920, to be spent in cooperation with the Federal Government, and in connection with funds received from the Federal Government, the sum of $28,000.00.

(j-1) For printing supplies and printed matter for executive department and all bureaus, the sum of $15,000.00.

(k-1) For the County Health Units there is appropriated a fund of $20,000.00, which is to be used for the purpose of keeping intact such County Health Units as now exist and the formation and maintenance of such units as this fund, supplemented by such funds as are available for such use, allow; to be spent in connection with funds received from the Federal Government, and in cooperation with the Federal Government.

(l-1) To take up continuing appropriations for 80 Full Time County Health Departments which have been approved by the Governor in accordance with Section 2054, Subsection 8a, Chapter 63, Kentucky Statutes, as amended in March, 1920, the sum of $200,000.00, to be spent in connection with funds received from the Federal Government and in cooperation with the Federal Government.

(m-1) There is also appropriated, for the administration of the Egg Candling Act, the fees allowed by law, not to exceed $10,000.00.

(n-1) For the administration of the Medical Practice Act, the fees provided by law, not to exceed $3,700.00.

(o-1) For the Optometry Division, the fees provided by law, not to exceed $1,200.00.

(p-1) For the Plumbing Division, the fees allowed by law, not to exceed $15,000.00.

There is hereby appropriated out of the general expenditure fund for the use of the State Board of Health, for the fiscal year ending June 30, 1934, the following amounts to be used for the following purposes:

(a-2) For the purpose of paying salaries, clerical help, traveling expenses, stamps, supplies, and all other operating expenses, the sum of $90,000.00.

(b-2) For the prevention of venereal diseases, the sum of $9,000.00.

(c-2) For social hygiene and sex education, to be used by the Venereal Disease Bureau, the sum of $4,500.00.

(d-2) For the prevention and treatment of trachoma, the sum of $5,000.00.

(e-2) For the State aid in connection with the conducting of the United States Public Health Service Trachoma Hospital, at Richmond, the sum of $7,500.00.

(f-2) For the prevention and treatment of tuberculosis, the sum of $10,000.00.

(g-2) To provide free beds for indigent patients with incipient tuberculosis at the State Tuberculosis Sanatorium, Hazelwood, the sum of $12,500.00.

(h-2) For the Dental Health Bureau, the sum of $10,000.00.

(i-2) For the protection of the health of mothers and children in accordance with Section 3, Chaper 120 of the Acts

of 1920, to be spent in cooperation with the Federal Government, and in connection with funds received from the Federal Government, the sum of $28,000.00.

(j-2) For printing supplies and printed matter for executive department and all bureaus, the sum of $15,000.00.

(k-2) For the County Health Units there is appropriated a fund of $20,000.00, which is to be used for the purpose of keeping intact such County Health Units as now exist and the formation and maintenance of such units as this fund, supplemented by such funds as are available for such use, allow, to be spent in connection with funds received from the Federal Government and in cooperation with the Federal Government.

(l-2) To take up continuing appropriations for 80 Full Time County Health Departments which have been approved by the Governor in accordance with Section 2054, Subsection 8a, Chapter 63, Kentucky Statutes, as amended in March, 1920, the sum of $200,000.00, to be spent in connection with funds received from the Federal Government, and in cooperation with the Federal Government.

There is also appropriated:

(m-2) For the administration of the Egg Candling Act, the fees allowed by law, not to exceed $10,000.00.

(n-2) For the administration of the Medical Practice Act, the fees provided by law, not to exceed $3,700.00.

(o-2) For the Optometry Division, the fees provided by law, not to exceed $1,200.00.

(p-2) For the Plumbing Division, the fees allowed by law, not to exceed $15,000.00.

§ 30. Visiting County Nurses. There is hereby appropriated and set aside out of the general expenditure fund, for

the fiscal year ending June 30, 1933, for the purpose of contributing to the compensation of visiting nurses under the provisions of Section 4 of Chapter 51 of the Acts of 1918, the sum of $7,500.00. Said sum is to be paid out only in the manner and for the purposes set out in said Chapter 51 of the Acts of 1918.

There is hereby appropriated and set aside out of the general expenditure fund, for the fiscal year ending June 30, 1934, for the purpose of contributing to the compensation of visiting nurses under the provisions of Section 4 of Chapter 51 of the Acts of 1918, the sum of $7,500.00. Said sum is to be paid out only in the manner and for the purposes set out in said Chapter 51 of the Acts of 1918.

§ 31. Kentucky Children's Home Society for White Children. There is hereby appropriated out of the general expenditure fund, for the use of the Kentucky Children's Home Society for White Children, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries and every other expense incident to the operation and maintenance of said department as now, or that may hereafter be, provided by law, the sum of $100,000.00.

There is hereby appropriated out of the general expenditure fund, for the use of the Kentucky Home Society for White Children, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries and every other expense incident to the operation and maintenance of said department as now, or that may hereafter be, provided by law, the sum of $100,000.00.

§ 32. Kentucky Children's Home Society for Colored Children. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Children's Home Society for Colored Children, for the fiscal year ending June 30, 1933, for the purposes now authorized by law, or for such other purposes as may be hereafter provided by law, the sum of $32,500.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Children's Home Society for Colored Children, for the fiscal year ending June 30, 1934, for the purposes now authorized by law, or for such other purposes as may be hereafter provided by law, the sum of $32,500.00.

§ 33. Kentucky State Industrial College for Colored Persons. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky State Industrial College for Colored Persons, for the fiscal year ending June 30, 1933, for the payment of salaries and all other expenses incident to the maintenance and operation of said institution as now provided by law, or as may hereafter be provided by law, the sum of $70,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky State Industrial College for Colored Persons, for the fiscal year ending June 30, 1934, for the payment of salaries and all other expenses incident to the maintenance and operation of said institution as now provided by law, or as may hereafter be provided by law the sum of $70,000.00.

§ 34. West Kentucky Industrial College for Colored Persons, Paducah, Kentucky. There are hereby appropriated out of the general expenditure fund for the use of the West Kentucky Industrial College for Colored Persons, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For the support and maintenance of said West Kentucky Industrial College for Colored Persons, the sum of $40,000.00.

(b-1) For liquidating indebtedness and deficit, incurred prior to January 1, 1932, the sum of $13,000.00.

There is hereby appropriated out of the general expenditure fund for the support and maintenance of the West Ken-

tucky Industrial College, for the fiscal year ending June 30, 1934, the sum of $40,000.00.

§ 35. Kentucky Institution for the Education of the Blind. There are hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky School for the Blind, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For the payment of salaries and all other expenses incident to the maintenance and operation of the White Department of the Kentucky School for the Blind, $65,000.00.

(b-1) For the payment of salaries and all other expenses incident to the maintenance and operation of the Colored Department of the Kentucky School for the Blind, the sum of $8,500.00.

(c-1) For the education and vocational training of the adult blind of Kentucky, to be expended in the manner and for the purpose now provided by law, or as may hereafter be provided by law, $18,000.00.

There are hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky School for the Blind, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For the payment of salaries and all other expenses incident to the maintenance and operation of the White Department of the Kentucky School for the Blind, the sum of $65,000.00.

(b-2) For the payment of salaries and all other expenses incident to the maintenance and operation of the Colored Department of the Kentucky School for the blind, the sum of $8,500.00.

(c-2) For the education and Vocational training of the adult blind of Kentucky, to be expended in the manner and

for the purpose now provided by law, or as may hereafter be provided by law, the sum of $18,000.00.

§ 36. Kentucky School for the Deaf. There are hereby appropriated out of the general expenditure fund for the benefit of the Kentucky School for the Deaf, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For the payment of salaries and all other expenses incident to the operation of the White Department, the sum of $120,000.00.

(b-1) For salaries and all expenses incident to the operation and maintenance of the department for colored children the sum of $8,000.00.

There are hereby appropriated out of the general expenditure fund for the benefit of the Kentucky School for the Deaf, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For the payment of salaries and all other expenses incident to the operation of the White Department, the sum of $120,000.00.

(b-2) For salaries and all expenses incident to the operation and maintenance of the department for colored children, the sum of $8,000.00.

§ 37. Kentucky Crippled Children Commission. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Crippled Children Commission, for the fiscal year ending June 30, 1933, for the purpose of paying salaries, printing, postage, traveling and incidental expenses, for the maintenance and operation of said commission, for the purpose of the payment of the necessary traveling expenses of the children committed to said commission, and for the payment of board, suitable clothing, care, treatment, and other necessities to enable the commis-

sion to carry out the provisions of the Act of the General Assembly of 1924 creating said commission, the sum of $140,000.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Crippled Children Commission, for the fiscal year ending June 30, 1934, for the purpose of paying salaries, printing, postage, traveling and incidental expenses, for the maintenance and operation of said commission, for the purpose of the payment of the necessary traveling expenses of the children committed to said commission and for the payment of board, suitable clothing, care, treatment, and other necessities to enable the commission to carry out the provisions of the Act of the General Assembly of 1924 creating said commission, the sum of $140,000.00.

§ 38. Kentucky State Park Commission. In addition to the fees and income received from the various State parks, there is hereby appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, for the use and benefit of the Kentucky State Park Commission, the sum of $40,000.00, to be used for the maintenance and improvement of the following State parks:

Cumberland State Park in Bell County

Pioneer Memorial State Park in Mercer County

Natural Bridge State Park in Powell and Wolfe Counties

Blue and Gray State Park in Todd County

Bluelicks Battlefield State Park in Nicholas County

Dr. Thomas Walker State Park in Knox County

Cumberland Falls State Park in Whitley County

Butler Memorial State Park in Carroll County

Old Mulkey Meeting-House Park in Monroe County

Levi Jackson Wilderness Road Park in Laurel County.

In addition to the fees and income received from the various State parks, there is hereby appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, for the use and benefit of the Kentucky State Park Commission, the sum of $40,000.00, to be used for the maintenance and improvement of the following State parks:

Cumberland State Park in Bell County

Pioneer Memorial State Park in Mercer County

Natural Bridge State Park in Powell and Wolfe counties

Blue and Gray State Park in Todd County

Bluelicks Battlefield State Park in Nicholas County

Dr. Thomas Walker State Park in Knox County

Cumberland Falls State Park in Whitley County

Butler Memorial State Park in Carroll County

Old Mulkey Meeting-House Park in Monroe County

Levi Jackson Wilderness Road Park in Laurel County.

§ 39. State Purchasing Commission. There is hereby appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, for the purpose of paying all of the expenses of the State Purchasing Commission, including the salary of its chairman, traveling expenses of its members, and its office furniture, furnishings and equipment and expenses of clerical and manual help and assistance, the sum of $11,000.00.

There is hereby appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, for the purpose of paying all of the expenses of the State Purchasing Commission, including the salary of its chairman, traveling expenses of its members, and its office furniture, furnishings and equipment and expenses of clerical and manual help and assistance, the sum of $11,000.00.

§ 40. Vocational Education Board. There are hereby appropriated out of the general expenditure fund for the use and benefit of the Vocational Education Board of Kentucky, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For the purpose of carrying on teacher instruction in the State of Kentucky under the provisions of Chapter 7 of the Acts of 1918, and for the purpose of paying all the cost of inspection and supervision of courses in teacher training under the provisions of said act, the sum of $27,000.00.

(b-1) For the purpose of the promotion of vocational rehabilitation of person disabled in industry or otherwise, and their return to civil employment, the sum of $22,955.00.

There are hereby appropriated out of the general expenditure fund for the use and benefit of the Vocational Education Board of Kentucky, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For the purpose of carrying on teacher instruction in the State of Kentucky under the provisions of Chapter 7 of the Acts of 1918, and for the purpose of paying all the cost of inspection and supervision of courses in teacher training under the provisions of said act, the sum of $27,000.00.

(b-2) For the purpose of the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment, the sum of $22,955.00.

§ 41. Board of Charities and Corrections. There are hereby appropriated out of the general expenditure fund for the use of the State Board of Charities and Corrections in charge of the charitable, correctional, and penal institutions of the Commonwealth of Kentucky, for the necessary expenditures for the fiscal year ending June 30, 1933, the following amounts for the following purposes:

(a-1) For the purpose of paying the salaries, clerical

hire, traveling expenses, printing, stamps, and necessary supplies for said State Board of Charities and Corrections, and cost of operation, maintenance, improvements, repairs, and all operating expenses for the fiscal year ending June 30, 1933, for the State Reformatory, at Frankfort, State Penitentiary, at Eddyville, Western State Hospital for the Insane, at Hopkinsville, Central State Hospital for the Insane, at Lakeland, Eastern State Hospital for the Insane, at Lexington, Feeble-Minded Institute at Frankfort, and the Houses of Reform, at Greendale, the sum of $1,300,000.00.

(b-1) For the same purposes in addition to the said sum of $1,300,000.00, there is hereby appropriated to the said State Board of Charities and Corrections all receipts of every character and kind realized by the said board in the operation of each and every institution under the control and supervision of said State Board of Charities and Corrections, including the receipts realized by the said board from the operation of convict road camps, provided that all receipts of every character and kind realized by said board in the operation of each and every institution under its control and supervision, shall be paid into the State Treasury and warrants drawn upon said receipts through the Auditor of Public Accounts in paying out said sums.

There are hereby appropriated out of the general expenditure fund for the use of the State Board of Charities and Corrections in charge of charitable, correctional, and penal institutions of the Commonwealth of Kentucky, for the necessary expenditures for the fiscal year ending June 30, 1934, the following amounts for the following purposes:

(a-2) For the purpose of paying the salaries, clerical hire, traveling expenses, printing, stamps, and necessary supplies for said State Board of Charities and Corrections, and cost of operation, maintenance, improvements, repairs and all operating expenses for the fiscal year ending June 30, 1934, for the State Reformatory, at Frankfort, State Penitentiary, at Eddyville, Western State Hospital for the Insane, at Hopkinsville, Central State Hospital for the Insane, at Lakeland,

Eastern State Hospital for the Insane, at Lexington, Feeble-Minded Institute, at Frankfort, and the Houses of Reform, at Greendale, the sum of $1,300,000.00.

(b-2) For the same purposes, in addition to the said sum of $1,300,000.00, there is hereby appropriated to the said State Board of Charities and Corrections all receipts of every character and kind realized by the said board in the operation of each and every institution under the control and supervision of said State Board of Charities and Corrections, including the receipts realized by the said board from the operation of convict road camps, provided that all receipts of every character and kind realized by said board in the operation of each and every institution under its control and supervision, shall be paid into the State Treasury and warrants drawn upon said receipts through the Auditor of Public Accounts in paying out said sums.

§ 42. Morehead State Teachers College. For the purpose of paying for the maintenance and operation of the Morehead State Teachers College, for the fiscal year ending June 30, 1933, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $281,000.00 in addition to the fees and other operating receipts of the institution.

For the purpose of paying for the maintenance and operation of the Morehead State Teachers College, for the fiscal year ending June 30, 1934, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library, and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $281,000.00 in addition to the fees and other operating receipts of the institution.

§ 43. Murray State Teachers College. (a-1) For the purpose of paying for the maintenance and operation of the Murray State Teachers College, for the fiscal year ending June 30, 1933, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $350,000.00 in addition to the fees and other operating receipts of the institution.

(b-1) In order to meet the necessary additional expenses of maintenance and operation of the Murray State Teachers College, to June 30, 1932, caused by the unanticipated increase of eighty per cent in student enrollment in the past two years, there is hereby appropriated from the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $130,000.00.

For the purpose of paying for the maintenance and operation of the Murray State Teachers College, for the fiscal year ending June 30, 1934, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $350,000.00 in addition to the fees and other operating receipts of the institution.

§ 44. Western Kentucky State Teachers College. For the purpose of paying for the maintenance and operation of the Western Kentucky State Teachers College, for the fiscal year ending June 30, 1933, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $525,-

000.00 in addition to the fees and other operating receipts of the institution.

For the purpose of paying for the maintenance and operation of Western Kentucky State Teachers College, for the fiscal year ending June 30, 1934, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $525,000.00 in addition to the fees and other operating receipts of the institution.

§ 45. Eastern Kentucky State Teachers College. For the purpose of paying for the maintenance and operation of the Eastern Kentucky State Teachers College, for the fiscal year ending June 30, 1933, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $350,000.00 in addition to the fees and other operating receipts of the institution.

For the purpose of paying for the maintenance and operation of the Eastern Kentucky State Teachers College, for the fiscal year ending June 30, 1934, for instruction, extension work, traveling expenses, fuel, light, printing, postage, insurance, express and drayage, telegraph and telephone, janitor service, library and other general and miscellaneous supplies and operating expenses, there is set aside and appropriated out of the general revenue funds of the State, the sum of $350,000.00, in addition to the fees and other operating receipts of the institution.

§ 46. University of Kentucky. There are hereby appropriated out of the general expenditure fund of the State to

the University of Kentucky, for the fiscal year ending June 30, 1933, the following sums for the following purposes:

(a-1) For the purpose of paying salaries and all other expense of maintenance and operation of the Division of Colleges of the University of Kentucky in the manner now authorized by law, or as may hereafter be authorized by law, the sum of $1,010,000.00.

(b-1) For agricultural instruction in the College of Agriculture, the sum of $30,000.00.

(c-1) For salaries and expenses incident to the maintenance of a summer school $25,000.00.

(d-1) For equipment of library stocks $20,000.00.

(e-1) For the purpose of paying for the cost of maintenance and operation of the Experiment Station of the University, the sum of $50,000.00.

(f-1) For maintenance of public service laboratories, analyses service for the State Board of Health, under provisions of Chapter 65 of the Acts of 1918, and for making all analyses requested by other departments of the State government, to be paid in equal monthly installments, the sum of $22,000.00.

(g-1) For the Princeton Experiment Station, as provided in the Acts of 1924, the sum of $20,000.00.

(h-1) For the Quicksand Experiment Station, as provided in the Acts of 1924, the sum of $25,000.00.

(i-1) For construction of abattoir for meat work, the sum of $14,000.00.

(j-1) For construction of a dairy barn, the sum of $17,000.00.

(k-1) For Agricultural Extension Work. For the purpose of paying all costs of the maintenance and operation of the Extension Division of the University of Kentucky, the sum of $179,531.00.

There are hereby appropriated out of the general expenditure fund of the State to the University of Kentucky, for the fiscal year ending June 30, 1934, the following sums for the following purposes:

(a-2) For the purpose of paying salaries and all other expenses of maintenance and operation of the Division of Colleges of the University of Kentucky in the manner now authorized by law, or as may hereafter be authorized by law, the sum of $1,010,000.00.

(b-2) For agricultural instruction in the College of Agriculture, the sum of $30,000.00.

(c-2) For salaries and expenses incident to the maintenance of a summer school $25,000.00.

(d-2) For the purpose of paying for the cost of maintenance and operation of the Experiment Station of the University of Kentucky, the sum of $50,000.00.

(e-2) For maintenance of public service laboratories, analyses service for the State Board of Health, under provisions of Chapter 65 of the Acts of 1918, and for making all analyses requested by other departments of the State Government, to be paid in equal monthly installments, the sum of $22,000.00.

(f-2) For the Princeton Experiment Station, as provided in the Acts of 1924, the sum of $20,000.00.

(g-2) For the Quicksand Experiment Station, as provided in the Acts of 1924, the sum of $25,000.00.

(h-2) For Agricultural Extension Work—For the pur-

pose of paying all costs of the maintenance and operation of the Extension Division of the University of Kentucky, the sum of $179,531.00.

§ 46. Superintendent of Public Instruction. There is hereby appropriated out of the public school fund of the State of Kentucky for the use and benefit of the Department of Public Instruction, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, as now fixed by law, or may hereafter be fixed by law, for all necessary clerical, stenographic, traveling and other expenses, and professional assistance in said department, the sum of $65,000.00.

There is hereby appropriated out of the public school fund of the State of Kentucky for the use and benefit of the Department of the Superintendent of Public Instruction for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, as now fixed by law, or may hereafter be fixed by law, for all necessary clerical, stenographic, traveling and other expenses, and professional assistance in said department, the sum of $65,000.00.

§ 48. State Highway Department. For the purpose of paying all costs of operation and maintenance of the State Highway Department, and for carrying on its activities for the fiscal year ending March 31, 1933, there is hereby set aside and appropriated to the State Highway Department all the funds now realized out of the State revenues now authorized by law, or that may hereafter be authorized by law, in the distribution of the State revenues for the construction, maintenance, and repair of roads, or any additional or other revenues that may be imposed by law for the exclusive benefit of public roads, and all funds realized from the automobile license and gasoline taxes now collected by law, or that may hereafter be imposed or collected by law, for the benefit of said department in its activities. Out of said funds so realized and collected for said fiscal year, there is appropriated and authorized to be paid for the purpose of paying for administration purposes the sum of $600,000.00.

For the purpose of paying all costs of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year ending March 31, 1934, there is hereby set aside and appropriated to the State Highway Department all the funds now realized out of the State revenues now authorized by law, or that may hereafter be authorized by law, in the distribution of the State revenues for the construction, maintenance, and repair of roads, or any additional or other revenues that may be imposed by law for the exclusive benefit of public roads and all funds realized from the automobile license and gasoline taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department in its activities. Out of said funds so realized and collected for said fiscal year, there is appropriated and authorized to be paid for the purpose of paying for administration purposes the sum of $600,000.00.

§ 49. Fire Prevention and Rating Department. For the purpose of administering the Fire Prevention and Rating Department, as now provided by law, and for the purpose of paying the salaries, including clerical help, and all other expenses incidental to the maintenance and operation of said department now allowed by law, or as may be hereafter allowed by law, for the fiscal year ending June 30, 1933, there is hereby set aside and appropriated to the use of said department the amount allowed for the purpose by Section 4 of Chapter 16 of the Acts of 1920, same to be paid from the sources therein designated.

For the purpose of administering the Fire Prevention and Rating Department, as now provided by law, and for the purpose of paying the salaries, including clerical help, and all other expenses incidental to the maintenance and operation of said department now allowed by law, or as may be hereafter allowed by law, for the fiscal year ending June 30, 1934, there is hereby set aside and appropriated to the use of said department the amount allowed for the purpose by Section 4 of Chapter 16 of the Acts of 1920, same to be paid from the sources therein designated.

§ 50. Game and Fish Commission. For the fiscal year ending June 30, 1933, there is hereby set aside and appropriated for the benefit of the Game and Fish Commission, to be expended by it for the purposes now allowed by law, or that may hereafter be allowed by law, all the fees and collections of all kinds and character now collected by law, or that may hereafter be imposed by law, for the benefit of said department, provided, however, that not to exceed $50,000.00 may be used for office expense and salaries.

For the fiscal year ending June 30, 1934, there is hereby set aside and appropriated for the benefit of the Game and Fish Commission, to be expended by it for the purposes now allowed by law, or that may hereafter be allowed by law, all the fees and collections of all kinds and character now collected by law, or that may hereafter be imposed by law, for the benefit of said department, provided, however, that not to exceed $50,000.00 may be used for office expense and salaries.

§ 51. Insurance Department. There is hereby set aside and appropriated to the use of the Insurance Department, for the fiscal year ending June 30, 1933, for the payment of salaries and all other expenses of maintenance and operation of said department, as now provided by law, all the fees and collections to which said department is now entitled by law, or may hereafter be entitled by law, not to exceed $45,000.00.

There is hereby set aside and appropriated to the use of the Insurance Department, for the fiscal year ending June 30, 1934, for the payment of salaries and all other expenses of maintenance and operation of said department, as now provided by law, all the fees and collections to which said department is now entitled by law, or may hereafter be entitled by law, not to exceed $45,000.00.

§ 52. State Board of Examiners of Trained Nurses. For the use and benefit of the State Board of Examiners of Trained Nurses, for the fiscal year ending June 30, 1933, there is hereby

set aside and appropriated for the purpose of paying all cost of maintenance and operation of said board, all the fees and other collections collected for the use and benefit of said board, as now provided by law, or as may hereafter be provided by law, the expenditures not to exceed $6,000.00.

For the use and benefit of the State Board of Examiners of Trained Nurses, for the fiscal year ending June 30, 1934, there is hereby set aside and appropriated for the purpose of paying all cost of maintenance and operation of said board, all the fees and other collections collected for the use and benefit of said board, as now provided by law, or as may hereafter be provided by law, the expenditures not to exceed $6,000.00.

§ 53. Workmen's Compensation Board. For the use and benefit of the Workmen's Compensation Board, for the fiscal year ending June 30, 1933, for the purpose of paying all salaries, traveling expenses, printing, stamps, supplies, and other expenses of the operation and maintenance of said board, as now provided by law, or as may hereafter be provided by law, there is hereby set aside and appropriated all the funds now collected by law, or that may hereafter be collected by law, for the benefit of said Workmen's Compensation Board, the expenditures of said board not to exceed $60,000.00.

For the use and benefit of the Workmen's Compensation Board, for the fiscal year ending June 30, 1934, for the purpose of paying all salaries, traveling expenses, printing, stamps, supplies, and other expenses of the operation and maintenance of said board, as now provided by law, or as may hereafter be provided by law, there is hereby set aside and appropriated all the funds now collected by law, or that may hereafter be collected by law, for the benefit of said Workmen's Compensation Board, the expenditures of said board not to exceed $60,000.00.

§ 54. Commissioners of the Sinking Fund. There is hereby appropriated and set aside to the use of the Sinking

Fund Commissioners, for the fiscal year ending June 30, 1933, the ad valorem taxes and other revenues as now, or may hereafter be, provided by law, to be used by said commissioners for the purposes now authorized by law, or that may hereafter be authorized by law.

There is hereby appropriated and set aside to the use of the Sinking Fund Commissioners, for the fiscal year ending June 30, 1934, the ad valorem taxes and other revenues as now, or may hereafter be, provided by law, to be used by said commissioners for the purposes now authorized by law, or that may hereafter be authorized by law.

§ 55. Kentucky Children's Bureau. There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Kentucky Children's Bureau, for the fiscal year ending June 30, 1933, for the payment of salaries, office and supplies, printing, traveling expenses, educational and relief work, and all expenses incident to the maintenance and operation of said bureau, the sum of $13,500.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Children's Bureau, for the fiscal year ending June 30, 1934, for the payment of salaries, office and supplies, printing, traveling expenses, educational and relief work, and all expenses incident to the maintenance and operation of said bureau, the sum of $13,500.00.

§ 56. Colored Red Cross Hospital. There is hereby appropriated out of the general expenditure fund of the State for the use and benefit of the Colored Red Cross Hospital, of Louisville, for the fiscal year ending June 30, 1933, the sum of $5,000.00.

There is hereby appropriated out of the general expenditure fund of the State for the use and benefit of the Colored Red Cross Hospital, of Louisville, for the fiscal year ending June 30, 1934, the sum of $5,000.00.

§ 57. The Air Board of Kentucky. There is hereby appropriated out of the general expenditure fund of the State for the use of the Air Board of Kentucky, created by Chapter 11, Acts of 1930, for the fiscal year ending June 30, 1933, the sum of $4,500.00.

There is hereby appropriated out of the general expenditure fund of the State for the use of the Air Board of Kentucky, created by Chapter 11, Acts of 1930, for the fiscal year ending June 30, 1934, the sum of $4,500.00.

§ 58. Kentucky Horticulture Society. There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Horticulture Society, for the fiscal year ending June 30, 1933, the sum of $7,500.00.

There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Horticulture Society, for the fiscal year ending June 30, 1934, the sum of $7,500.00.

§ 59. Kentucky Disabled Ex-Service Men's Board. There is hereby appropriated out of the general expenditure fund of the State, for salaries and expenses incident to the operation of the Kentucky Disabled Ex-Service Men's Board, for the fiscal year ending June 30, 1933, the sum of $18,000.00.

There is hereby appropriated out of the general expenditure fund of the State, for salaries and expenses incident to the operation of the Kentucky Disabled Ex-Service Men's Board, for the fiscal year ending June 30, 1934, the sum of $18,000.00.

§ 60. United Spanish War Veterans' Commission. There is hereby appropriated out of the general expenditure fund of the State, for salaries and expenses incident to the operation of the United Spanish War Veterans' Commission, for the fiscal year ending June 30, 1933, the sum of $4,320.00.

There is hereby appropriated out of the general expendi-

ture fund of the State, for salaries and expenses incident to the operation of the United Spanish War Veterans' Commission, for the fiscal year ending June 30, 1934, the sum of $4,320.00.

§ 61. Ex-Service Men's Commission. There is hereby appropriated out of the general expenditure fund of the State, for salaries and expenses incident to the operation of the Ex-Service Men's Commission, for the fiscal year ending June 30, 1933, the sum of $9,000.00.

There is hereby appropriated out of the general expenditure fund of the State, for salaries and expenses incident to the operation of the Ex-Service Men's Commission, for the fiscal year ending June 30, 1934, the sum of $9,000.00.

§ 62. Home For Incurables. There is hereby appropriated out of the general expenditure fund of the State, for payment on salaries and other expenses incident to the operation and maintenance of the Home for Incurables, for the fiscal year ending June 30, 1933, the sum of $18,000.00.

There is hereby appropriated out of the general expenditure fund of the State, for payment on salaries and other expenses incident to the operation and maintenance of the Home for Incurables, for the fiscal year ending June 30, 1934, the sum of $18,000.00.

§ 63. Department of Motor Transportation. There is hereby appropriated out of the receipts of the Department of Motor Transportation, for the purpose of paying salaries and other expenses of the department, for the fiscal year ending June 30, 1933, the sum of $54,000.00.

There is hereby appropriated out of the receipts of the Department of Motor Transportation, for the purpose of paying salaries and other expenses of the department, for the fiscal year ending June 30, 1934, the sum of $54,000.00.

§ 64. County Tax Commissioners. There is hereby set

aside and appropriated out of the general expenditure fund of the State, for the purpose of paying the various county tax commissioners of the State, as provided by law, for the fiscal year ending June 30, 1933, the sum of $350,000.00.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the purpose of paying the various county tax commissioners of the State, as provided by law, for the fiscal year ending June 30, 1934, the sum of $350,000.00.

§ 65. Conveyance of Lunatics. There is hereby appropriated and set aside out of the general expenditure fund of the State, for the purpose of paying the expenses of conveyances of lunatics, for the fiscal year ending June 30, 1933, the sum of $9,000.00.

There is hereby appropriated and set aside out of the general expenditure fund of the State, for the purpose of paying the expenses of conveyance of lunatics, for the fiscal year ending June 30, 1934, the sum of $9,000.00.

§ 66. Pauper Idiots. There is hereby appropriated out of the general expenditure fund of the State, for the purpose of paying Committees of Pauper Idiots, as provided by law, for the fiscal year ending June 30, 1933, the sum of $40,000.00.

There is hereby appropriated out of the general expenditure fund of the State, for the purpose of paying Committees of Pauper Idiots, as provided by law, for the fiscal year ending June 30, 1934, the sum of $40,000.00.

§ 67. Back Tax Reserve. There is hereby set aside and appropriated for the purpose of paying commissions as allowed by law, out of the Back Tax Reserve Fund, for the fiscal year ending June 30, 1933, the sum of $39,000.00.

There is hereby set aside and appropriated for the purpose of paying commissions as allowed by law, out of the Back

Tax Reserve Fund, for the fiscal year ending June 30, 1934, the sum of $39,000.00.

§ 68. Public and Record Books. There is hereby set aside and appropriated, for the purpose of paying for public and record books, as provided by law, for the fiscal year ending June 30, 1933, the sum of $16,600.00.

There is hereby set aside and appropriated, for the purpose of paying for public and record books, as provided by law, for the fiscal year ending June 30, 1934, the sum of $16,600.00.

§ 69. Public Printing and Binding. There is hereby set aside and appropriated out of the general expenditure fund, for the purpose of paying for public printing and binding, provided for by law, and which is not a proper charge against any of the various budget units, for the fiscal year ending June 30, 1933, the sum of $20,000.00.

There is hereby set aside and appropriated out of the general expenditure fund, for the purpose of paying for public printing and binding, provided for by law, and which is not a proper charge against any of the various budget units, for the fiscal year ending June 30, 1934, the sum of $20,000.00.

§ 70. Clerks' Services. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the purpose of paying county and circuit clerks for services provided by law to be paid by the State, for the fiscal year ending June 30, 1933, the sum of $100,000.00.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the purpose of paying county and circuit clerks for services provided by law to be paid by the State, for the fiscal year ending June 30, 1934, the sum of $100,000.00.

§ 71. Commissions on Fines and Forfeitures. There is hereby set aside and appropriated out of fines paid into the

State from the various courts, for the purpose of paying public officials the commission allowed them under the law on such fines, for the fiscal year ending June 30, 1933, the sum of $288,000.00.

There is hereby set aside and appropriated out of fines paid into the State from the various courts, for the purpose of paying public officials the commission allowed them under the law on such fines, for the fiscal year ending June 30, 1934, the sum of $288,000.00.

§ 72. Criminal Prosecutions. There is hereby set aside and appropriated out of the general fund of the State, for the purpose of paying Commonwealth's witness fees in felony cases, examining courts, sheriffs, jailers, police, elisors, special bailiffs, marshals, constables, and for conveyance of convicts, the fees and amounts provided by law to be paid by the State, for the fiscal year ending June 30, 1933, the sum of $454,000.00.

There is hereby set aside and appropriated out of the general fund of the State, for the purpose of paying Commonwealth's witness fees in felony cases, examining courts, sheriffs, jailers, police, elisors, special bailiffs, marshals, constables, and for conveyance of convicts, the fees and amounts provided by law to be paid by the State, for the fiscal year ending June 30, 1934, the sum of $454,000.00.

§ 73. Court of Appeals. There is hereby set aside and appropriated out of the general fund of the State, for the purpose of paying salaries of employees of the Court of Appeals, stationery, printing and other necessary expenses incident to the operation of the Court of Appeals, for the fiscal year ending June 30, 1933, the sum of $30,000.00.

There is hereby set aside and appropriated out of the general fund of the State, for the purpose of paying salaries of employees of the Court of Appeals, stationery, printing and other necessary expenses incident to the operation of the Court of Appeals, for the fiscal year ending June 30, 1934, the sum of $30,000.00.

§ 74. Cost of Suits. There is hereby appropriated and set aside out of the general fund of the State, for the purpose of paying clerks, sheriffs and other public officials the cost provided by law to be paid by the State in litigation in which the State is a necessary interested party, when such claims have been properly itemized as required by law and approved by the Attorney General, for the fiscal year ending June 30, 1933, the sum of $10,000.00.

There is hereby appropriated and set aside out of the general fund of the State, for the purpose of paying clerks, sheriffs and other public officials the cost provided by law to be paid by the State in litigation in which the State is a necessary interested party, when such claims have been properly itemized as required by law and approved by the Attorney General, for the fiscal year ending June 30, 1934, the sum of $10,000.00.

§ 75. Frankfort Cemetery. There is hereby appropriated for the purpose of assisting in paying for the care of graves in the Frankfort Cemetery, for the fiscal year ending June 30, 1933, the sum of $250.00, this amount to be paid to the persons authorized by laws to receive same.

There is hereby appropriated for the purpose of assisting in paying for the care of graves in the Frankfort Cemetery, for the fiscal year ending June 30, 1934, the sum of $250.00, this amount to be paid to the persons authorized by law to receive same.

§ 76. Interest on State Warrants. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $500,000.00, for the purpose of paying interest on outstanding interest-bearing State warrants as interest becomes due on same.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year end-

ing June 30, 1934, the sum of $500,000.00, for the purpose of paying interest on outstanding interest-bearing State warrants as interest becomes due on same.

§ 77. Jefferson County Fees. There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $350,000.00, for the purpose of paying various officials of Jefferson County the fees provided by law to be paid by the State to such officials, when such claims or fees have been presented to the Auditor of Public Accounts in the form and manner prescribed by law, and approved by him.

There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $350,000.00, for the purpose of paying various officials of Jefferson County the fees provided by law to be paid by the State to such officials, when such claims or fees have been presented to the Auditor of Public Accounts in the form and manner prescribed by law, and approved by him.

§ 78. Judicial Council. There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $1,500.00, for the purpose of paying the expenses of judges attending the Judicial Council, and other expenses incident to the holding of said Judicial Councils.

There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $1,500.00, for the purpose of paying the expenses of judges attending the Judicial Council, and other expenses incident to the holding of said Judicial Councils.

§ 79. Jury Commissioners. There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of

$2,250.00, for the purpose of paying claims allowed by circuit courts to citizens for their services as jury commissioners.

There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $2,250.00, for the purpose of paying claims allowed by circuit courts to citizens for their services as jury commissioners.

§ 80. Legislative Sessions. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $5,000.00, to be used for the purpose of paying expenses incident to the legislative session.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $170,000.00, for the purpose of paying salaries and other expenses incident to the holding of the legislative session.

§ 81. Money Refunded. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, a sum not in excess of $15,000.00, to be used when it becomes necessary for the Auditor of Public Accounts to refund money which has been paid into the State Treasury. No money shall be refunded, however, after it has been paid into the treasury, except by the authority of a court order or a written opinion from the Attorney General.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, a sum not in excess of $15,000.00, to be used when it becomes necessary for the Auditor of Public Accounts to refund money which has been paid into the State Treasury. No money shall be refunded, however, after it has been paid into the treasury, except by the authority of a court order or a written opinion from the Attorney General.

§ 82. Overton Appropriation. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $600.00, for the purpose of paying the Overton Appropriation, as provided under Chapter 297, Acts of 1924.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $600.00, for the purpose of paying the Overton Appropriation, as provided under Chapter 297, Acts of 1924.

§ 83. Rewards. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $2,000.00, to be used for the purpose of paying rewards authorized by law to be paid out of the State treasury.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $2,000.00, to be used for the purpose of paying rewards authorized by law to be paid out of the State treasury.

§ 84. County Boards of Supervisors. There is hereby appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $29,000.00, to be used for the purpose of paying County Boards of Supervisors, as provided by law.

There is hereby appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $29,000.00, to be used for the purpose of paying County Boards of Supervisors, as provided by law.

§ 85. Robinson Appropriation. There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $600.00, to be used for the purpose of paying Edmonia Robinson, the widow of

D. Owen Robinson, the sum of $50.00 per month, as provided in Chapter 595, Acts of 1928.

There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, the sum of $600.00, to be used for the purpose of paying Edmonia Robinson, the widow of D. Owen Robinson, the sum of $50.00 per month, as provided in Chapter 595, Acts of 1928.

§ 86. Salaries—Judges and Commonwealth's Attorneys. There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $284,000.00 for the purpose of paying the salaries of judges of the various courts and of the Commonwealth's Attorneys, whose salaries are required by law to be paid by the State.

There is hereby appropriated and set aside out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $284,000.00 for the purpose of paying the salaries of judges of the various courts and of Commonwealth's Attorneys, whose salaries are required by law to be paid by the State.

§ 87. Sheriffs' Revenue — Refunds for Exonerations. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $10,000.00 for the purpose of paying refunds to sheriffs for exonerations allowed, as provided by law.

There is hereby set aside and appropriated out of the genera expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $10,000.00 for the purpose of paying refunds to sheriffs for exonerations allowed, as provided by law.

§ 88. Refunds to Sheriffs—Jurors Fund. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum

of $37,000.00 to be used for the purpose of refunding money advanced by county sheriffs to trustees of the jury fund for the purpose of paying circuit court jurors, as provided for in Section 2284, Kentucky Statutes.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $37,000.00, to be used for the purpose of refunding money advanced by county sheriffs to trustees of the jury fund for the purpose of paying circuit court jurors, as provided for in Section 2284, Kentucky Statutes.

§ 89. Sinking Fund. There is hereby set aside and appropriated out of the sinking fund, for the fiscal year ending June 30, 1933, the sum of $10,200.00, to be paid out as provided by law. Section .....

There is hereby set aside and appropriated out of the sinking fund, for the fiscal year ending June 30, 1934, the sum of $10,200.00, to be paid out as provided by law. Section .....

§ 90. State Supervisor of Chiropractors. There is hereby appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $2,500.00 for the use of the State Supervisor of Chiropractors, as provided under Chapter 142, Acts of 1930.

There is hereby appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $2,500.00 for the use of the State Supervisor of Chiropractors, as provided under Chapter 142, Acts of 1930.

§ 91. Trustees of Jury Fund. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $614,000.00 for the purpose of paying trustees of the jury fund the amount due petit and grand jurors and trustees' commissions, as provided by law.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $614,000.00 for the purpose of paying trustees of the jury fund the amount due petit and grand jurors and trustees' commissions, as provided by law.

§ 92. County Truck License. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $523,000.00, to be paid to the various counties as their one-half of truck licenses, as provided for under Section 2739g-2, Kentucky Statutes.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $523,000.00 to be paid to the various counties as their one-half of truck licenses, as provided for under Section 2739g-2, Kentucky Statutes.

§ 93. Bond of Elective Officers. There is hereby appropriated out of the general fund of the State, for the fiscal year ending June 30, 1933, the sum of $2,000.00, for the purpose of paying for premiums on bonds of State officials who are required by statute to execute bonds to the Commonwealth of Kentucky.

There is hereby appropriated out of the general fund of the State, for the fiscal year ending June 30, 1934, the sum of $2,000.00 for the purpose of paying for premiums on bonds of State officials who are required by statute to execute bonds to the Commonwealth of Kentucky.

§ 94. Board of Bar Examiners. There is hereby appropriated out of the fees collected under Section 98-a, Kentucky Statutes, for the fiscal year ending June 30, 1933, the sum of $2,800.00, for the purpose of paying the salaries and expenses of the Board of Bar Examiners as provided for in the statutes.

There is hereby appropriated out of the fees collected under Section 98-a, Kentucky Statutes, for the fiscal year end-

ing June 30, 1934, the sum of $2,800.00, for the purpose of paying the salaries and expenses of the Board of Bar Examiners as provided for in the statutes.

§ 95. School Examination Fund. There is hereby appropriated out of the fees collected under Section 4501-5, Kentucky Statutes, for the fiscal year ending June 30, 1933, the sum of $12,000.00, to be used toward defraying the operating expenses of the Division of Certification in the Department of Education.

There is hereby appropriated out of the fees collected under Section 4501-5, Kentucky Statutes, for the fiscal year ending June 30, 1934, the sum of $12,000.00, to be used toward defraying the operating expenses of the Division of Certification in the Department of Education.

§ 96. Presidential Electors. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $700.00, for the purpose of paying the per diem and mileage of Presidential Electors as set out in Sections 343 and 1545 of the Kentucky Statutes.

§ 97. School Fund. There is hereby appropriated and set aside to the School Fund of the State that per cent of taxes on miscellaneous corporations, real estate and franchise, railroads, bank deposits, building and loan associations, sheriff's revenue on realty and intangibles, and any other revenue provided by law to go to the credit of the school fund, for the fiscal year ending June 30, 1933, the sum of $6,000,000.00. In the event the amount provided by law to go into the school fund does not amount to $6,000,000.00, there is appropriated out of the general expenditure fund a sum sufficient to make up the deficit so that the total school fund may amount to $6,000,000.00.

There is hereby appropriated and set aside to the School Fund of the State that per cent of taxes on miscellaneous cor-

porations, real estate and franchise, railroads, bank deposits, building and loan associations, sheriffs' revenue on realty and intangibles, and any other revenue provided by law to go to the credit of the school fund, for the fiscal year ending June 30, 1934, the sum of $6,000,000.00. In the event the amount provided by law to go into the school fund does not amount to $6,000,000.00, there is appropriated out of the general expenditure fund a sum sufficient to make up the deficit so that the total school fund may amount to $6,000,000.00.

§ 98. Library Sales Account—Kentucky Reports. There is hereby appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $24,000.00, for the purpose of paying the cost of publishing the Kentucky Reports and pamphlet opinions of the Court of Appeals, and other expenses incident to the publication of such opinions as provided for under Section 955a-9, Kentucky Statutes.

There is hereby appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, the sum of $24,000.00, for the purpose of paying the cost of publishing the Kentucky Reports and pamphlet opinions of the Court of Appeals, and other expenses incident to the publication of such opinions as provided for under Section 955a-9, Kentucky Statutes.

§ 99. Law Library. There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $500.00, and the tax on all appeals in the Court of Appeals, for the purchase of books and literary and miscellaneous works for the State Library, as provided for under Section 2440, Kentucky Statutes. The total expenditures herein provided for are not to exceed $4,000.00.

There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, the sum of $500, and the tax on all appeals in the Court of Appeals, for the purchase of books and literary and mis-

cellaneous works for the State Library, as provided for under Section 2440, Kentucky Statutes. The total expenditures herein provided for are not to exceed $4,000.00

§ 100. State Text Book Commission. There is hereby set aside and appropriated out of the filing fees provided for under Section 2421a-23, Kentucky Statutes, for the fiscal year ending June 30, 1933, the sum of $3,000.00, for the purpose of paying expenses of the State Text Book Commission, as provided for under Section 2421a-23, Kentucky Statutes.

There is hereby set aside and appropriated out of the filing fees provided for under Section 2421a-23, Kentucky Statutes, for the fiscal year ending June 30, 1934, the sum of $3,000.00, for the purpose of paying expenses of the State Text Book Commission, as provided for under Section 2421a-23, Kentucky Statutes.

§ 101. War Orphans' Fund. There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $3,600.00 for the purpose of providing educational opportunities for the orphans of soldiers, sailors, and marines who were killed in action or died in the World War, as provided in Chapter 71, Acts of 1930.

There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, the sum of $3,600.00 for the purpose of providing educational opportunities for orphans of soldiers, sailors, and marines who were killed in action or died in the World War, as provided in Chapter 71, Acts of 1930.

§ 102. Disease of Livestock. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $10,000.00 for the purpose of paying for diseased livestock condemned and destroyed by order of the Livestock Sanitary Board, as provided in Section 63c-7, Kentucky Statutes.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $10,000.00 for the purpose of paying for diseased livestock condemned and destroyed by order of the Livestock Sanitary Board, as provided in Section 63c-7, Kentucky Statutes.

§ 103. Tuberculosis Sanatoria. There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $16,000.00 to be used for the purpose of paying Tuberculosis Sanatoria for free treatment and care of tubercular patients, as provided for in Section 2061a-8, Kentucky Statutes.

There is hereby set aside and appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1934, the sum of $16,000.00 to be used for the purpose of paying Tuberculosis Sanatoria for free treatment and care of tubercular patients, as provided for in Section 2061a-8, Kentucky Statutes.

§ 104. My Old Kentucky Home Commission. There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $2,000.00 for maintenance of My Old Kentucky Home, as provided in Section 2739f-4, Kentucky Statutes.

In addition to the above appropriation, the Commission is allowed the receipts from entrance fees and other miscellaneous operating receipts of the Home.

There is hereby set aside and appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $2,000.00 for maintenance of My Old Kentucky Home, as provided in Section 2739f-4, Kentucky Statutes.

In addition to the above appropriation, the Commission

is allowed the receipts from entrance fees and other miscellaneous operating receipts of the Home.

§ 105. Equalization Fund. There is hereby appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $658,000.00 to be expended under the direction and supervision of the State Board of Education for the equalization of educational opportunities of the Commonwealth, as provided for in Chapter 36, Acts of 1930.

There is hereby appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1934, the sum of $658,000.00 to be expended under the direction and supervision of the State Board of Education for the equalization of educational opportunities of the Commonwealth, as provided for in Chapter 36, Acts of 1930.

§ 106. General Emergency Fund. There is hereby appropriated and set aside out of the sinking fund, for the fiscal year ending June 30, 1933, the sum of $250,000.00 for a fund to be known as the General Emergency Fund, which may be expended only by the Governor, with the approval of the State Budget Commission, when and, as in their opinion any emergency may arise which would justify the expenditure of any part of said fund.

There is hereby appropriated and set aside out of the sinking fund, for the fiscal year ending June 30, 1934, the sum of $250,000.00 for a fund to be known as the General Emergency Fund, which may be expended only by the Governor, with the approval of the Budget Commission, when and, as in their opinion, any emergency may arise which would justify the expenditure of any part of said fund.

§ 107. For Repairing and Equipping the Governor's Mansion. There is hereby appropriated out of the general expenditure fund, for the fiscal year ending June 30, 1933, the sum of $12,500.00 to be used and expended under the direction and authorization of the Sinking Fund Commission for

the purpose of repairing and equipping the Executive Mansion. An emergency is declared to exist and the money herein provided is to become available as soon as this Act becomes a law.

§ 108. Armory Commission Appropriation Repealed. The annual appropriation of a fund equal to three (3) cents for each resident of the State made to the Armory Commission for the purpose of erecting or acquiring State Armories, as set out in Section 2711a-128, Kentucky Statutes, is hereby repealed.

§ 109. Kentucky Progress Commission Appropriation Repealed. Appropriations heretofore made, as provided in Section 3941k-10 of the Kentucky Statutes and by Chapter 164, Acts of 1930, to the Kentucky Progress Commission are hereby repealed.

§ 110. State Board of Charities and Corrections. There is hereby appropriated out of the general expenditure fund of the State, for the fiscal year ending June 30, 1933, the sum of $300,000.00 to the State Board of Charities and Corrections for the purpose of paying necessary additional expenses for operation and maintenance of the various institutions under its care, for the fiscal year ending June 30, 1932.

§ 111. No moneys appropriated by this act shall be paid out of the State treasury to any of the budget units, except when and as needed from time to time, and shall be paid only when proper vouchers have been presented to the Auditor of Public Accounts and approved by him.

§ 112. It is the intention of the legislature in enacting this law to enact each section and subsection thereof separately and specifically, and, if any section or any subsection thereof shall be held invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions therein.

§ 113. All annual and/or continuing appropriations not

provided for in this Act and all other laws and parts of laws in conflict herewith are hereby repealed.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 78. An Act to amend Section 1072 of Carroll's Kentucky Statutes, 1930 Edition.

It was ordered that said bill be referred to the Committee on Kentucky Statutes No. 2.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 97. An Act providing that all cities, counties and taxing districts in the Commonwealth of Kentucky shall when issuing bonds for any purpose whatsoever make provision for the payment of a certain portion of said bonds annually in addition to the interest on said bonds so that when the final maturity of said bonds is reached all of said bonds shall be paid off and retired.

It was ordered that said bill be referred to the Committee on Appropriation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All cities, counties, and taxing districts in the Commonwealth of Kentucky shall when issuing bonds for any purpose whatsoever make provision that in addition to the payment of interest annually or semi-annually, make provision that a certain portion of said bonds shall fall due annually and shall be called in and paid off, so that the final maturity all bonds shall have been paid off and cancelled.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 175. An Act to repeal an Act relating to cities and towns, being Chapter 738 of the Act of General Assembly, Session 1858, approved February 17th, 1858.

It was ordered that said bill be referred to the Committee on Classification of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act approved February 17, 1858, being Chapter 738 of the Acts of the General Assembly of 1858, incorporating the town of New Roe, Allen County, Ky., be and the same is hereby repealed.

All acts or parts of acts in conflict herewith are hereby repealed.

This act shall take effect and become a law by its passage and approval by the Governor.

A message was received from the House of Representatives announcing that they had passed a resolution of the following title:

H. Res. 29. Resolution extending invitation to the Hon. John Garner, Speaker of the House of Representatives, to address the Senate and House of Representatives in Joint Session.

Said resolution was ordered to lie on Clerk's desk.

A message was received from the House of Representa-

tives announcing that they had passed a resolution of the following title:

H. Res. 30. Resolution inviting International Typographical Union to establish its home in the State of Kentucky.

Said resolution was ordered to lie on Clerk's desk.

A message was received from the House of Representatives announcing that they had concurred in the resolutions of the following titles:

S. Res. 5. Resolution memorializing Congress for an emergency appropriation for the Howard Taft Highway.

S. Res. 12. Resolution to require Attorney General to furnish the General Assembly with names of lobbyists.

S. Res. 16. Resolution to meet in Joint Session at 11 o'clock a. m., on February 4, 1932, to pay a tribute to George Washington, signer of the Act of Congress admitting Kentucky to Statehood, and to signalize the formal opening of Kentucky's participation in the Nation-wide George Washington Bicentennial Celebration.

S. Res. 17. Resolution inviting Typographical Unions to build Eastern Printer's Home in Kentucky.

COMMITTEE REPORTS

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

S. B. 158. An Act extending authority of notary public to take depositions and do other official acts in all counties of the Commonwealth.

Reported with expression of opinion that same ought not to pass.

Therefore said bill was rejected.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred bills of the following titles:

S. B. 27. An Act to amend Section 1,112 of Carroll's Kentucky Statutes, providing for removals on change of venue in certain criminal cases from one county to another, and for the payment of the costs on such removals, and upon the trials after such removals are had.

S. B. 28. An Act to amend and re-enact Section 1,119 of the Kentucky Statutes, providing for the payment of costs on changes of venue in criminal cases granted on the application of the Commonwealth, and providing that all the costs which would be borne by the county had the removal not been made, shall not withstanding the removal be borne by said county from which the removal is made.

S. B. 26. An Act to amend Section 1,110 of Carroll's Kentucky Statutes, providing for changes of venue in criminal cases upon application of the defendant, and by providing for the payment of the costs on changes of venue made upon the application of the defendant in criminal prosecutions.

Reported said bills with expression of opinion that same ought to pass.

Senator Gates F. Young of the Committee on Banks and Trust Companies, to which had been referred a bill of the following title:

H. B. 245. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

Reported with expression of opinion that same ought to pass.

Senator Bondurant of the Committee on Insurance, to which had been referred a bill of the following title:

S. B. 3. An Act to amend and re-enact Section 199a of Carroll's 1930 Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky," entitled "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," which Act became a law, March 24, 1906, without the approval of the Governor.

Reported with expression of opinion that same ought to pass.

Senator Bondurant of the Committee on Insurance, to which had been referred a bill of the following title:

S. B. 2. An Act to amend and re-enact Section 1599a-11 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

Reported with expression of opinion that same ought to pass.

Senator Humphreys of the Committee on Veterans Legislation, to which had been referred a bill of the following title:

S. B. 194. An Act to amend and re-enact Section 4536k-1 of the 1930 Edition of Carroll's Kentucky Statutes, and which section is Section 1 of Chapter 67, page 281, of the Session Acts for 1920.

Reported with expression of opinion that same ought to pass.

Senator Isaacs of the Committee on Drains and Ditches, to which had been referred a bill of the following title:

S. B. 34. An Act to amend Section Two Thousand Three Hundred Eighty (2,380), Sub-section Thirty-four (34), Baldwin's Revision of Carroll's Kentucky Statutes, 1930, being Chapter 114 of the Acts of the General Assembly of the Commonwealth of Kentucky at its session of 1918, relating to the issue of Drainage Bonds and the nature and payment of same, by providing for the issue of renewal or refunding bonds, the manner of issuing same and the nature and payment thereof.

Reported with expression of opinion that same ought to pass.

All of said bills and resolutions were severally read at length for the first time and ordered to be placed on the calendar.

CALENDAR.

Senator Gates-F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in the Orders of Day.

Said titles to bills are as follows:

S. B. 177. An Act amending Section 4426b-1, Kentucky Statutes, Carroll's 1930 Edition, being Section 1 of Chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees.

S. B. 170. An Act defining school districts; setting out powers and duties of boards of education therein; indicating procedure relating to the organization, control and operation of the common schools therein; providing for the general welfare of the public schools of the Commonwealth; providing

for a uniform census every three years; exempting school pupils and toll on roads, bridges and ferries; repealing various scattering provisions of old law relating to division boards of education and other provisions covered by this Act or not consistent with it.

S. B. 166. An Act to repeal, amend and re-enact Section 4465A, Carroll's Kentucky Statutes and further providing the manner of election of trustees in graded school districts.

S. B. 67. An Act to amend an Act entitled "An Act to provide for the distraining for graded common school taxes in graded common school districts other than those in cities of the first, second, third or fourth class," being Chapter 59 of the Acts of the General Assembly of 1928, approved March 17, 1928, and to provide additional remedies for the collection of school taxes in said graded common school districts.

S. B. 21. An Act to re-enact and amend Chapter 35, Section 5, of the Acts of the General Assembly of 1930 requiring publishers and their agents to sell textbooks to dealers on a consignment basis.

S. B. 23. An Act to repeal and re-enact Section 4399a, Sub-Section 10, of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools and being Section 10 of an Act, entitled, "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members; providing for the election of a county superintendent by said board; fixing his qualifications, compensation and term of office; and prescribing his duties and fixing his bond; providing for the electon of an attendance officer by the county board of education; providing for the levy of tax for common school purposes in each county; prescribing the duties of the county board of education and the fiscal court levying said tax and prescribing the duties of the sheriff in collecting said taxes and making his settlement to the fiscal court; providing the

manner of paying his commission for collecting same; prescribing the duties of the fiscal court with reference to making settlement with the sheriff for said tax; providing for the employment of teachers; providing for the appointment of district trustees and prescribing their duties."

S. B. 17. An Act relating to fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county judge commission, and prescribing its duties; amending sections nine hundred and twenty-nine (929), nine hundred and thirty-four (934) of Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 153 of the Acts of 1920, Session of the General Assembly of the Commonwealth of Kentucky, nine hundred and thirty-five (935), and eighteen hundred and thirty-eight (1838), Kentucky Statutes, 1930 Carroll's Edition; and repealing sections nine hundred and thirty-eight (938) Kentucky Statutes, 1930, Carroll's Edition, and section eighteen hundred and forty A (1840A), Kentucky Statutes, 1930, Carroll's Edition; as amended by Section one of Chapter 67 of Acts of 1916, Session of General Assembly of Commonwealth of Kentucky; providing for the compensation of county treasurer, and the designating by the fiscal court of depositories for county funds and the fixing of interest rates to be charged by the county; and providing for penalties for the violation of any of the provisions of this act.

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when

given as security for any such loan or as consideration for a payment of three hundred dollars ($300) or less, providing for the administration of this Act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the banking commissioner under this Act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes (193), and repealing all acts and parts of acts in conflict with the provisions of this Act.

H. B. 16. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as 'An Act relating to the Government of cities of the second class of the Commonwealth of Kentucky,' approved February 12, 1930.

S. B. 172. An Act defining plumbing, master plumber and journeyman plumber in counties containing cities of the first and second class of the Commonwealth of Kentucky; providing for examinations and issuing certificates to qualified registered master plumbers and registered journeyman plumbers and placing same under the jurisdiction of the State Board of Health of Kentucky the power to adopt and promulgate a code regulating the installation of plumbing, house drainage, sewerage and sewerage disposal; designating the kind of materials and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage to be used in plumbing and drainage and the methods of their installation; prescribing the powers and duties of the State Board of Health in relation to this Act and providing penalties for violation of the provisions of this Act.

S. Res. 8. Joint resolution providing for reimbursing town of Hardinsburg, Kentucky, for construction of concrete street through town of Hardinsburg, same being approximately .84 miles of Federal Highway No. 60.

S. B. 35. An Act relating to the fiscal administration

of the Commonwealth of Kentucky; providing for interest-bearing negotiable State warrants, and the issual of interest-bearing negotiable treasury notes in anticipation of current revenue for the fiscal year; prescribing the duties of the State Treasurer, Auditor of Public Accounts, and the Budget Commission of the Commonwealth of Kentucky relative thereto; and repealing section 4688a-2, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 3 of Chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section 4688a-4, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 5 of chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section, 4697, Kentucky Statutes, 1930, Carroll's Edition, section 4698, Kentucky Statutes, 1930, Carroll's Edition; and amending section 4688a-8, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 9 of Chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section 4689, Kentucky Statutes, 1930 Carroll's Edition; and section 22 of Chapter 170 of the Acts of the 1926 session of the General Assembly of the Commonwealth of Kentucky and being section 1992a-22, Kentucky Statutes, 1930, Carroll's Edition.

H. B. 20. An Act to provide for the more efficient and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred fifty thousand (250,000), and to reduce the number of magisterial districts therein, by amending and re-enacting section one thousand seventy-nine (1,079) of the Kentucky Statutes; to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants, defining their duties and requiring bonds therefrom, with surety; defining certain duties of constables and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places; fixing the filing fees, and providing for rules of

practice in said courts and fixing penalties for the violation by said officers of their duties.

A House Resolution of the following title was called from the Clerk's Desk:

H. Res. 26. Resolution to meet in joint session at 11 o'clock a. m., on February 4, 1932, to pay a tribute to George Washington, signer of the Act of Congress admitting Kentucky to Statehood, and to signalize the formal opening of Kentucky's participation in the Nation-wide George Washington Bicentennial Celebration.

Senator Booles moved that said resolution be put on its adoption.

The question being taken thereon was decided in the affirmative.

Said resolution was adopted.

Senator Franklin moved Senate Bill No. 174 be called from the Orders of the Day and put upon its immediate passage.

Said title reads as follows:

S. B. 174. An Act to repeal Sections 2, 3, 4, 5, 6, and 7 of Chapter 156 of Acts of the General Assembly of 1930 and enacting in lieu thereof an Act creating a commission of nine members, each to serve four years, to be appointed by the Governor, and confirmed by the Senate, to be known as "The State Highway Commission of Kentucky" providing for the qualifications, terms of office and appointment of its personnel; defining its powers and duties, both general and particular; providing for the compensation and expenses thereof, including the salaries, compensation and expenses of its officers and employees; dividing the Commonwealth into Road Districts and describing the same; defining the duties of the

Attorney General and of the County Attorneys in relation thereto; accepting the provisions of the Statutes of the United States, now or which may hereafter be enacted in aid of the State in the construction and maintenance of rural post roads and other purposes; vesting in said Commission the power to appropriate from the State Road Fund such sums as may be necessary to co-operate with the United States under any Federal Statute which is now or which may hereafter be enacted, and authorizing the State Treasurer to receive such money as may be paid to the Commonwealth of Kentucky by the United States in aid of the construction and maintenance of roads within this Commonwealth; and declaring an emergency to exist.

The Committee proposed the following amendments to said bill:

Amendment No. 1. Amend Senate Bill No. 174 by adding immediately after the enacting clause and before the words "There shall be, and hereby is created a commission to be known as 'The State Highway Commission of Kentucky' the following:—

That Sections 2, 3, 4, 5, 6 and 7 of Chapter 156 of the Acts of the General Assembly of 1930, be and the same hereby are repealed, amended and re-enacted, so that the same when so amended and re-enacted shall read as follows:—

Senator Franklin moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Amendment No. 2. Amend Senate Bill No. 174, on page seven line nine, by inserting after the word "authorized" and before the word "it," the following language:

"but no salary or compensation paid to any employee by the Highway Commission shall exceed $5,000.00 per year."

Senator Franklin moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Amendment No. 3. Amend Senate Bill No. 174 by filling in blank in page 8 in line 2 by inserting "Five Thousand Dollars."

Senator Franklin moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Amendment No. 4. Amend Senate Bill No. 174 by striking out of line 33 of Section 1 of the Senate Bill, the word "Breathitt" and by striking out of line 35 of Section 1 of the printed bill the word "Wolfe."

Senator Franklin moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Amendment No. 5. Amend Senate Bill No. 174 by adding the word "Breathitt" at the end of line 31 of Section 1 of the printed bill.

Senator Franklin moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Amendment No. 6. Amend Senate Bill No. 174 by adding the word "Wolfe" at the end of line 28 of Section 1 of the printed bill.

Senator Franklin moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be, and hereby is created a commission to be known as "The State Highway Commission of Kentucky," which shall be composed of nine (9) members to be appointed by the Governor of the Commonwealth of Kentucky. The Commonwealth of Kentucky hereby is divided into nine (9) Road Districts. The first road district shall be composed of the following named counties: Ballard, Caldwell, Carlisle, Fulton, Graves, Livingston, Lyon, Marshall, McCracken, Trigg, Calloway, Hickman and Crittenden.

The second road district shall be composed of the following named counties: Christian, Daviess, Hancock, Henderson, Hopkins, McLean, Union, and Webster.

The third road district shall be composed of the following named counties: Allen, Barren, Butler, Edmonson, Logan, Muhlenberg, Simpson, Todd, Warren, Cumberland, Monroe and Metcalfe.

The fourth road district shall be composed of the following named counties: Jefferson, Breckinridge, Bullitt, Grayson, Green, Hardin, Hart, Larue, Marion, Meade, Nelson, Ohio, Taylor, and Washington.

The fifth road district shall be composed of the following named counties: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton, Trimble, Owen, and Oldham.

The sixth district shall be composed of the following named counties: Clark, Estill, Fayette, Franklin, Lee, Scott, Woodford, Adair, Anderson, Boyle, Casey, Garrard, Jessamine, Madison, Mercer, Shelby, Spencer, and Lincoln.

The seventh road district shall be composed of the following named counties: Bath, Bracken, Elliott, Fleming, Harrison, Lewis, Mason, Menifee, Montgomery, Bourbon, Nicholas, Robertson, Rowan, and Powell.

The eighth road district shall be composed of the following named counties: Harlan, Perry, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Carter, Boyd, Greenup, Letcher, and Morgan.

The ninth road district shall be composed of the following named counties: Breathitt, Bell, Clay, Clinton, Knox, Laurel, Leslie, McCreary, Pulaski, Rockcastle, Wayne, Whitley, Owsley, Jackson, Russell, and Wolfe.

On or immediately after the effective date of this Act the Governor of the Commonwealth of Kentucky shall appoint a member of the State Highway Commission from each of the nine (9) foregoing road districts, each member so appointed to serve until February 1, 1936. Any vacancy in the commission which may occur by death, resignation or otherwise shall be filled by the Governor for the unexpired term. Each of the said appointments, except appointments to fill a vacancy or vacancies occurring when the Senate is not in session, shall be confirmed by the Senate. The said commission shall, immediately after its appointment and qualification, or as soon

thereafter as practicable, meet and organize by selecting a chairman and secretary thereof from among its members to serve for a term of four years. Five members of the commission shall constitute a quorum for the transaction of its business. Each and every member of said commission shall be a citizen and resident of Kentucky and of the district for which he is appointed, and shall be not less than thirty years of age, a representative citizen, and be well informed as to the needs and requirements of the State with reference to roads, highways and bridges. No person while in the employ of or while holding any official relation to any person, firm or corporation selling or furnishing or proposing to sell or furnish any materials entering into the construction, repair or maintenance of any road, bridge or highway of this State, or any part thereof, or who is pecuniarily interested therein as a stockholder or otherwise, shall be a member of the commission; nor shall the commission appoint any person or persons as engineers, superintendents or foremen sustaining such relation to such persons, firm or corporation; nor shall such engineers, superintendents or foremen, or any other employees of the commission become in any way connected with or interested in any such person, firm or corporation while in the employ of the said commission; nor shall any of said commissioners or any engineer, superintendent, foreman or employee appointed by the commission be a candidate for or hold any public office than that of commissioner, or of employment under said commission, or be a member of any political committee either while acting as such commissioner or while holding employment thereunder. In case of any of said commissioners or its servants or employees shall be a candidate for or hold any public office, or shall be a member of any political committee, his office as a member of the Highway Commission or position as employee, as the case may be, shall be vacated ipso facto. Each of said commissioners before entering upon the discharge of his duties shall qualify by taking and subscribing to the constitutional oath, and an oath that he is not at the time of entering on the discharge of his duties, and will not thereafter, while a member of said commission, be in the employ of or hold any official relation

to any person, firm or corporation selling or furnishing or proposing to sell or furnish any materials entering into the construction, reconstruction, repair or maintenance of any road, bridge or highway of this State, or any part thereof, and is not and will not become pecuniarily interested therein as a stockholder, or otherwise, during his term, and is not and will not, during his term of office be pecuniarily interested, directly or indirectly, in any person, firm, or corporation engaged in the business of building, constructing, reconstructing, or maintaining public roads, bridges or highways; or in furnishing, soliciting, or executing bonds for any member or employee of the commission, or for any contractor dealing or about to deal with the commission. Before acting as a member of said commission a record of such oath shall be entered on the minutes of the commission, and said oath shall be filed in the office of the Secretary of State.

§ 2. Said commission shall have its principal office in the city of Frankfort, Franklin county, Kentucky. Provided, however, that the commission may, for the purpose of accommodating the people of Kentucky, hold its sittings in any part of the commonwealth; this provision having for its purpose the right to hold its meetings in various parts of the State so that those who are interested in roads or bridges in different parts of the State may have the commission come to them instead of the commission having them to travel great distances to the city of Frankfort, it being well known that there are many persons in the State who wish to appear before the commission, but are not financially able to bear the expense of such trips.

§ 3. The commission shall provide a book in which shall be recorded all the minutes and orders of said commission at each meeting, which minutes and orders, after having been read to or by the commission while in session and approved by the commission, shall be signed by the chairman and secretary thereof. Such minutes and orders shall be recorded in a book wherein the leaves are permanently fixed and bound, and no loose-leaf book shall be used for this purpose.

§ 4. The commission shall meet at least once every two weeks, the time of such meetings to be fixed by the commission, but the dates of such meetings may be changed at the will of the commission. The chairman of the commission or any five members thereof may call an extra or special meeting of the commision; but such call shall be in writing and shall be so far in advance of the call meeting to enable each and every member of the commission to be present at the meeting, and such call of an extra or special meeting shall be entered on the minute book as a matter of record. Such notice if given by telegram shall be treated as written notice.

§ 5. It shall be the duty of the commission to make a careful investigation of all problems relating to the construction and maintenance of roads and bridges in the State. The commission shall examine all projects and ascertain the feasibility of all routes; and shall obtain information as to the proper type or character of road for any project. It shall examine all types of road materials which may be used, or the use of which is contemplated, in the construction, reconstruction, or maintenance of any road or bridge to be constructed by the commission or under its direction or supervision; and the commission shall, from time to time, examine and have examined and audited all of its books, papers and records; and no invoice or bill to be paid out of the road or bridge funds shall be approved by the commission for payment or authorized by it to be paid unless and until each and every bill or invoice shall have been carefully examined, separately, by the commission while in session, for the purpose of ascertaining whether any such bill or invoice is in every respect a proper, just, equitable, and legitimate charge against the road or bridge funds; and each member of the commission shall have the privilege of calling before the commission any person who may have knowledge or information respecting any of said bills or invoices; and, further, no salary or compensation shall be paid or caused to be paid by the commission to any person until such person has been appointed by the commission and his salary or compensation fixed by the commission. Provided, however, that common labor may be employed and paid for by the commission under such rules and regulations

as the commission may adopt therefor; provided, further, that the chairman of the commission may, in order to meet an emergency, make necessary appointments, which appointments shall terminate at the next succeeding meeting of the commission unless confirmed by the commission.

§ 6. Subject to the immediate foregoing provisions the commission is empowered and authorized to employe such engineers, draftsmen, bookkeepers and such other assistants and employees as it may deem necessary to efficiently and economically discharge the duties imposed upon it by law, and it is authorized and empowered to fix the salary or compensation of each person so employed, which salary or compensation shall be paid out of the State treasury upon certification by the commission to the Auditor of Public Accounts, and charged to the State Road Fund, except as otherwise authorized. It may remove any employee when, in its judgment, the good of the State so requires. The commission shall, from time to time, assign each of its employees to such work as it may deem best. The chairman shall be the chief executive officer of the commission; and, in addition to the authority of that position, he is specifically authorized in cases deemed to be those of emergency or to prevent fraud or the appearances of fraud, to suspend or change the assignment of any employee.

If any person having a contract with the commission shall fail or refuse to carry out said contract, then the commission hereby is authorized to cancel such contract and relet same without advertisement; provided it can obtain a qualified contractor to perform such work at or less than the price at which the contract was let in the first instance; otherwise the work shall be advertised as required by law.

In event it is ascertained by the commission that the cost of any contract or contracts, or cost of continued work on any contract or contracts will exceed the revenues of the then fiscal, the commission hereby is given the power and authority to cancel any such contract or contracts, or any portion

thereof, as may be deemed necessary to certainly keep expenditures within the revenues of the fiscal period. If such authority should be exercised, then the commission is authorized and empowered to enter into a contract or contracts for the completion of any such work at any time funds are available without advertising such work; provided it can obtain a qualified contractor to assume such work at the price at which the contract was let in the first instance; otherwise the contract shall be advertised as required by law.

No contractor shall deviate from the contract, the provisions, plans or specifications upon which a contract has been awarded without first having obtained written authority from the State Highway Commission so to do; and, if done without such written authority, neither the Commonwealth of Kentucky, nor the State Highway Commission, nor the Auditor of Public Accounts, nor the State Treasurer, shall pay or be liable for any work or material not fully provided for in the original contract.

The commission shall make a report to the General Assembly at the beginning of each of its sessions, giving in detail all information necessary to fully advise the members thereof of the work done since the next preceding report, and particularly showing in detail all moneys expended and the purpose for which spent.

Each member of the commission shall be paid twenty dollars for each day upon which he may render service as a member of the commission, and days engaged in traveling on the business of the commission shall be considered as days on which he is rendering service as a member of the commission; provided, however, that the compensation of no member of the commission, except the chairman, shall exceed three thousand dollars in any one year. The annual salary of the chairman shall be five thousand ($5,000) dollars. In addition to the compensation for each and every member of the commission shall be allowed his actual and necessary traveling expenses, including hotel bills, while engaged in the performance of his

duties under this Act; provided, further that each employee of the commission shall be allowed, in addition to his salary or compensation, his actual and necessary traveling expenses when traveling under the direction of the commission and while engaged in the discharge of his duties; said expenses to be approved by the commission and certified to the auditor of Public Accounts for payment.

The commission may cause any road to be constructed or reconstructed by what is generally known as "force account" when no satisfactory bid is received for the construction or reconstruction of such road, after the necessary steps have been taken as provided by law to obtain bids for such work; and may, in like manner and under like limitations, do any part of the work of construction or reconstruction of any road by "force account." The expression "force account," is hereby defined to be work done by employees of the Highway Commission instead of through contractors, and for this purpose the commissioner (commission) may employ such assistants and laborers as may be necessary to economically carry on said work.

The per diem and expense accounts of the commissioners and employees shall be paid out of the State Treasury and charged to the State Road Fund when presented and approved by the commission, or when approved by the Attorney General; all annual salaries shall be paid monthly in equal installments; all compensation for those who are employed by the hour or day shall be paid twice a month. Said annual salaries and said compensations shall be paid out of the State Treasury upon the certifications of the commission to the Auditor of Public Accounts and charged to the State Road Fund, except as otherwise authorized.

The commission, in its discretion, may require members of the commission and any of the employees of the commission to execute such bonds as the commission may deem necessary. The premium on all of said bonds shall be paid as other expenses of the Highway Department are paid.

Upon the order of the commission the Auditor of Public Accounts shall draw his warrant in a sum not to exceed twenty-five thousand dollars at any one time, payable to the commission, which shall be paid by the State Treasurer to the commission, and by the commission placed in a fund to be known as the "Labor Expense Fund," the same to be disbursed and paid out from time to time as the commission may direct, for the performance of labor incident to the work of the department on roads under charge of the commission.

It shall be the duty of the Attorney General and of his assistants and of the county attorneys of the several counties to render to the commission, without additional compensation, such legal services as it shall require of them in the discharge of its duties under the provisions of this act. Provided, however, that no county attorney can be required to render such service except in his county.

In addition to the duties imposed upon it in the preceding sections, the commission may cause to be published and distributed from time to time bulletins containing useful information touching only the construction and maintenance of roads and matters pertinent thereto.

The commission shall cause to be made all necessary surveys in the establishment and construction of the system of roads now or hereafter designated as such, and shall cause to be made and provided all necessary maps, prints, plans, and specifications of all work to be done on said roads, or any of them; and shall select the route, or any part of the route, between the points designated, and may deviate from existing or proposed routes when necessity for such deviation is found; it shall establish the width and grades of all roads, and provide suitable and adequate systems of drainage; it shall determine the type or character of all roads which shall be constructed in whole or in part between designated points, and shall cause to be prepared estimates of cost, advertisements for bids, contracts for construction or maintenance and all necessary forms in connection therewith; it shall have full

power, within the limitations in this act, to designate roads and sections of roads for construction. After surveys, plans, specifications, and estimates have been completed for any road, or any part or section of any road, and the type and character of such road has been determined, it shall advertise in newspapers published in or out of this Commonwealth for and receive bids as provided in this act; it shall prescribe rules and regulations for the care and maintenance of roads after they have been constructed; it shall have full power to stop or regulate all traffic or travel over any road in process of construction or improvement and until same is ready to be opened to the public and for that purpose it shall have power to designate other roads for the accommodation of all travel and traffic until the road under construction is entirely completed and it shall have power to establish temporary roads to accommodate travel and traffic until the road under construction is finally completed and may make arrangements with the landowners for such necessary temporary rights of way for establishment of temporary roads, and it may contract and pay for same out of the road fund by certifying the cost thereof to the Auditor of Public Accounts; such temporary roads shall be designated and opened for travel by the commission at least two weeks before work is begun on the road proposed to be constructed or improved. The commission is empowered and authorized to advertise for bids and may enter into contracts for the purchase of and to purchase any and all materials and supplies of any kind or character necessary to be used in the construction or maintenance of roads and highways constructed or maintained under this law or laws hereafter enacted or other laws now in force, and may pay for such materials when delivered at the destination specified in the contract. For the faithful performance of any contract entered into by the Commission and any contractor, the Commission may require bond or bonds, or secure same by any means they in their discretion may deem advisable or expedient. The Commission hereby is authorized and empowered to enter into contracts and agreements with the United States Government relating to the survey, construction and maintenance of roads under the provisions of the act of

Congress, approved July 11, 1916, entitled: "An Act to provide that the United States shall aid the States in the construction of rural post roads, and other purposes," which act will be found in the United States Statutes at Large, page 355, or any act amendatory thereof, or any act of Congress having in view the same, or substantially the same object, which may hereafter be enacted, and submit such plan or program of construction and maintenance as may be required by the Secretary of Agriculture of the United States, or any other officer who may be designated by Congress, and do all other things necessary to fully carry out the co-operation contemplated, or that may hereafter be contemplated and provided for by said act or any future act; the Commission shall have the power, and it hereby is authorized at its discretion to set apart and appropriate from the State Road Fund an amount equal to any sum or sums that have been or may be allotted to the Commonwealth of Kentucky by the United States Government, or any sum or sums that may be necessary to carry on co-operative work with the United States Government under existing or future laws and plans, and there hereby is appropriated from the State Road Fund sufficient funds to enable the said Commission to pay the Commonwealth's portion for the construction and maintenance of rural post roads, or other federal aid roads, as provided for in the present, or any future federal aid act; the Commission hereby is directed and authorized to prepare or cause to be prepared, the necessary plans and specifications and to enter into contracts for and to supervise the construction of federal aid roads in accordance with the rules and regulations of the Secretary of Agriculture of the United States. The State Treasurer hereby is authorized to receive such money or moneys as may be due under the provisions of the present or any future federal aid act, and the same shall be paid out by him upon warrants of the Auditor of Public Accounts, which warrants shall be issued only in payment of claims certified to him by the Commission. The Commission shall have the power and authority at any time to add to the primary system of highways in this State, any and all roads, projects or sections thereof as may be designated or approved by the Federal Government as

State or national highways, and may adopt as part of such system any federal routes.

In addition to the foregoing enumerated powers and duties, it shall be the duty of the Commission to perform any and all other duties imposed upon it by this or any other act, and particularly shall it be its duty to do and cause to be done all things necessary to construct and maintain the system of primary roads now or hereafter designated as such and where there is no provision of law covering any necessary thing to be done in the construction and maintenance of said roads, it shall do or cause to be done such necessary things in the way and manner best calculated, in its judgment, to accomplish the necessary objects, and it is intended that the provisions contained in this act shall not be treated as restrictions on its powers, save as expressly stated or clearly implied, that is to say, it is intended that it may do all things necessary in the construction or maintenance of said roads except where the power is by this or another statute, or by the Constitution, expressly or by clear implication denied or restricted. Wherever and whenever the word "Commission" occurs herein it shall mean "The State Highway Commission of Kentucky."

The Commission shall succeed to and be vested with all the rights, powers and duties now vested in or imposed upon the State Highway Engineer for the State Highway Commission by any and all other statutes now in effect, and it shall be the agent of the Commonwealth of Kentucky in carrying out all contracts now in effect which have been executed by the State Highway Commission as an agent of the Common wealth of Kentucky.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

If any provision of this act be held to be invalid, or unconstitutional, such fact shall not affect any other provision of this act, it being the intention of the General Assembly in

enacting this act to enact each provision separately; and if any provision or exception contained in any provision of this act shall be held invalid, or unconstitutional, such fact shall not affect the remaining portion of this act, it being the intention of the General Assembly to enact each provision of this act and each proviso and each exception thereto, separately.

Whereas, it is very urgent and a public necessity to have a new Highway Commission to construct and maintain the primary system of public highways and bridges in this Commonwealth, and in order that no delay happen an emergency is hereby declared to exist, and this act shall become effective from and after its passage and approval.

Ordered that said bill be read the third time by its title.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed, as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	Dr. Lewis Ryans
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	Wm. Mehler	Thos. O. Turner
Walter N. Flippin	E. C. Moore	Fred C. VanHoose
Chas. G. Franklin	Ray B. Moss	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	W. A. Yates
Robert Humphreys	Dr. G. W. Ragan	Allie W. Young
Wm. Isaacs	O. M. Rogers	Gates F. Young

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Senator Franklin proposed the following amendment to the title of said bill:

"Amend the title of Senate Bill No. 174 by striking out the following words, "and Chapter 159 of the Acts of the General Assembly of 1930."

The question being taken on the adoption of said amendment, was decided in the affirmative and

Said amendment was adopted.

Resolved that the title thereof be as amended.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 161. An Act guaranteeing to all children in this Commonwealth school privileges for the legal term of school.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be the duty of the board of education of every common school district in this Commonwealth receiving revenue from public taxation to provide at least the minimum legal term of school for all pupil children residing within the geographic limits of such district. Such schools shall be maintained within reasonable walking distance of such pupils of elementary grade, or transportation shall be provided for them to such school or schools.

Senator Pogue moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Frank I. Lloyd	Dr. Lewis Ryans
W. W. Booles	Wm. Mehler	E. D. Stephenson
Thos. C. Ferguson	Ray B. Moss	Thos. O. Turner
Walter N. Flippin	D. C. Naive	Fred C. VanHoose
Chas. G. Franklin	Marion F. Pogue	F. M. White
Arch Hamilton	Dr. G. W. Ragan	W. A. Yates
J. S. W. Holloway	O. M. Rogers	Allie W. Young
Robert Humphreys	J. M. Rose	Gates F. Young
Wm. Isaacs	R. H. Royster	—26

Those who voted in the negative were:

Edwin C. Dawson	Joe Stewart	—2

Resolved that the title thereof be as aforesaid.

Senator Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 138. An Act to repeal and re-enact Section Thirty, Chapter One Hundred Seventy One Acts General Assembly, 1893, being section Five Hundred Sixty Seven of Carroll's Kentucky Statutes, 1922 and 1930, relating to private corporations.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 30, Chapter 171 Acts of General Assembly of 1893, being section 567, Kentucky Statutes, edition of 1922 and 1930, be, and the same is hereby repealed, and in lieu thereof the following enacted so said section when re-enacted will read as follows:

Section 567. Business Corporation May Engage in; What Land May be Held.—No corporation shall engage in business other than that expressly authorized by its articles of incorporation or amendments thereto; nor shall any corporation, directly or indirectly, engage in or carry on in any way the business of banking, or insurance of any kind, unless it has become organized under the laws relating to banking and insurance; nor shall any corporation hold or own any real estate, except such as may be necessary and proper for carrying on its legitimate business, for a longer period than five years under penalty of escheat. Any action to escheat real estate held contrary to the provisions of this section shall be brought in the name of the Commonwealth of Kentucky in the circuit court of the county in which said real estate, or a part thereof, is situated. Before any such action may be instituted, the Attorney General, or the Auditor of Public Accounts, shall give written notice to the corporation holding the title to said real estate, that, unless said property is disposed of within two years after receipt of said written notice, an action will be commenced to forfeit said real estate and no such action shall be brought or prosecuted before the expiration of said period. Said notice shall contain a brief descrip-

tion of said real estate, and shall be served as provided by Section Six Hundred Twenty-Eight of Civil Code of Practice. The serving of the notice, as herein provided, shall in no way invalidate or impair the corporation's title to said real estate, nor abridge its right to convey the same before the institution of such action.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	Dr. Lewis Ryans
W. W. Booles	Alex E. Johnson	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Joe Stewart
Dr. T. J. Edge	Wm. Mehler	Thos. O. Turner
Walter N. Flippin	Ray B. Moss	Fred C. VanHoose
Chas. G. Franklin	D. C. Naive	F. M. White
Perry B. Gaines	Marion F. Pogue	W. A. Yates
Arch Hamilton	O. M. Rogers	Allie W. Young
J. S. W. Holloway	J. M. Rose	Gates F. Young
Robert Humphreys	R. H. Royster	—29

Those who voted in the negative were:

Thos. C. Ferguson

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 86. An Act providing that no conduct statement or representation made by any officer or officers of this Commonwealth or any county municipality or taxing district therein shall be received as evidence against or serve to estop the Commonwealth or any county, municipality or taxing district thereof from contesting the legality of any tax or indebtedness authorized or created in excess of the Constitutional or legal limits relating to such indebtedness.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That no conduct, statement or representation by any officer or officers of the Commonwealth of Kentucky, or of any county, municipality, or taxing district in this Commonwealth, shall be received as evidence against or serve to estop the Commonwealth or such county, municipality or taxing district from contesting the legality of any tax or indebtedness authorized or created by either the Commonwealth of Kentucky or such county, municipality, or taxing district in excess of the constitutional or legal limits relating thereto.

All laws and parts of laws in conflict herewith are hereby repealed.

Senator Flippin moved that the third reading of said bill

at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Robert Humphreys	R. H. Royster
W. W. Booles	Wm. Isaacs	E. D. Stephenson
Edwin C. Dawson	Ray B. Moss	Joe Stewart
Dr. T. J. Edge	D. C. Naive	Thos. O. Turner
Thos. C. Ferguson	Marion F. Pogue	F. M. White
Walter N. Flippin	Dr. G. W. Ragan	W. A. Yates
Chas. G. Franklin	O. M. Rogers	Allie W. Young
J. S. W. Holloway	J. M. Rose	Gates F. Young

—24

Resolved that the title thereof be as aforesaid.

Senator Flippin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 163. An Act to prohibit the employment of anyone for a wage paid wholly or in part by the taxpayers of Ken-

tucky unless such employee be a naturalized citizen of the United States of America and providing a penalty for violation of the same.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, persons, firms, companies, corporations, associations or any official or officials of the State, county or incorporated cities of the Commonwealth of Kentucky to work and pay a salary or any wage to any person or persons, where in State, county, or municipal taxes pay in whole or part such salary or wage unless such person or persons be a naturalized citizen of the United States of America.

§ 2. Any person or persons, firms, companies, corporations or associations and any official or officials of the State, county or incorporated cities of the State of Kentucky who knowingly and wilfully violate this statute shall be fined in any sum not to exceed five hundred ($500.00) dollars and each day such person or persons be thus employed for a salary or wage shall constitute a separate offense.

§ 3. All laws or parts of laws in conflict are hereby repealed.

Senator Franklin proposed the following amendment to said bill:

Amend Senate Bill 163 by inserting the words "Native born or" in line 6 of the printed bill immediately before the word "Naturalized."

Senator Franklin moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Rose moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	Dr. Lewis Ryans
W. W. Booles	Alex E. Johnson	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Joe Stewart
Dr. T. J. Edge	Wm. Mehler	Thos. O. Turner
Thos. C. Ferguson	Ray B. Moss	Fred C. VanHoose
Walter N. Flippin	D. C. Naive	F. M. White
Chas. G. Franklin	Marion F. Pogue	Sewell B. Williams
Perry B. Gaines	Dr. G. W. Ragan	W. A. Yates
Arch Hamilton	O. M. Rogers	Allie W. Young
J. S. W. Holloway	J. M. Rose	Gates F. Young
Robert Humphreys	R. H. Royster	—32

Resolved that the title thereof be as aforesaid.

Senator Rose moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 96. An Act to extend the jurisdiction of notaries public into counties other than the county of their appointment.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A notary public appointed for any of the counties of the State, upon filing in the clerk's office in any other county of the State, his autograph signature and a certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as such notary public, and paying to said county clerk, where said signature and certificate are filed, a fee of one dollar, may exercise all the functions of his office, in the county in which such autograph signature and certificate are filed with the same effect in all respects as if the same were exercised in the county in which he resides and for which he was appointed. The county clerk of a county in whose office any notary public has so filed his autograph signature and such certificate shall, when so requested, subjoin to any certificate of proof or acknowledgment signed by such notary, a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his autograph signature in his office, and was at the time of taking such proof or acknowledgment duly authorized to take the same; that he is well acquainted with the handwriting of such notary public and believes that the signature to such proof or acknowledgment is genuine, and thereupon the instrument so proved or acknowledged and certified shall be entitled to be read in evidence or to be recorded in any of the counties of this State in respect to which a certificate of a county clerk may be necessary for either purpose.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Senator Hamilton proposed the following amendment to said bill:

Amend Senate Bill No. 96 that same be amended to read as follows: That in paragraph 1, line 1, the words "of the counties" be stricken and the word "county" be substituted therefor; in line 2 the word "county" be inserted before the words "county clerk's office," and after the word "other" in same line the word "adjoining" be inserted.

Senator Hamilton moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Royster moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Edwin C. Dawson	Walter N. Flippin
W. W. Booles	Dr. T. J. Edge	Chas. G. Franklin
H. M. Brock	Thos. C. Ferguson	Perry B. Gaines

Arch Hamilton	Wm. Mehler	E. D. Stephenson
J. S. W. Holloway	E. C. Moore	Joe Stewart
Robert Humphreys	Ray B. Moss	Thos. O. Turner
Wm. Isaacs	D. C. Naive	F. M. White
Silas Jacobs	Marion F. Pogue	Sewell B. Williams
Alex E. Johnson	Dr. G. W. Ragan	W. A. Yates
L. C. Littrell	O. M. Rogers	Allie W. Young
Frank I. Lloyd	J. M. Rose	Gates F. Young
Rev. C. D. McCaw	R. H. Royster	—35

Resolved that the title thereof be as aforesaid.

Senator Royster moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 14. An Act to repeal Section 1697 Carroll's Kentucky Statutes 1930 and enacting in its stead an act fixing the exemptions from execution attachment distress or fee bill of persons with a family resident in this Commonwealth.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1697, Carroll's Edition, Kentucky Statutes, 1930, be and the same is hereby repealed, and there is enacted in its stead the following:

There shall be exempt from execution, attachment, distress or fee-bill to persons with a family resident in this Commonwealth, the sum in cash of $750.00 or its equivalent in personal property; all wearing apparel; all family portraits and pictures; all the salary, wages or income earned by labor

of every person earning a salary, wages or income of ($75.00) or less per month; of the salary, wages or income earned by labor, of every person earning a salary, wages or income in excess of ($75.00) per month, $75.00 per month and no more shall be exempt; Provided, that these exemptions shall only apply in actions brought upon contracts entered into after the effective date of this act, and no provision of this law shall be construed to make it retroactive in effect.

§ 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

Senator Flippin proposed the following amendment to said bill; by the way of a substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 10 of the Acts of the General Assembly of the Commonwealth of Kentucky 1930, entitled "An Act to amend Section 1697, Carroll's 1922 edition, Kentucky Statutes," be and the same is hereby repealed, and that is enacted in its stead the following:

There shall be exempt from execution, attachment, distress or fee-bill to persons with a family resident in this Commonwealth, the sum in cash of $750.00 or its equivalent in personal property; all wearing apparel; all family portraits and pictures; all the salary, wages or income earned by labor of every such person earning a salary, wages or income of $75.00 or less per month; of the salary, wages or income earned by labor, of every such person earning a salary, wages or income in excess of $75.00 per month, $75.00 per month and no more shall be exempt; provided, that these exemptions shall only apply in actions brought upon contracts entered into after the effective date of this act, and no provision of this law shall be construed to make it restroactive in effect.

That all laws and parts of laws in conflict with this Act are hereby repealed.

Senator Young moved that said bill be postponed indefinitely.

The question being taken thereon, was decided in the affirmative by a majority of the members elected.

Senator Young moved that the vote by which said motion was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to by a majority of the members elected.

Senator Gates F. Young moved that Senate recess until 1 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1 o'clock P. M.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 87. An Act relating to the conveyance of the Perryville Battlefield to the United States of America for national cemetery or park purposes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the United States Congress enacts a law authorizing the United States of America to take over and become possessed of the Perryville Battlefield, now in the hands of the commissioner of the Perryville Battlefield, for and on behalf of the Commonwealth as is provided by the Acts of 1928, Chapter 107, and approved by the Governor of the Commonwealth of Kentucky March 21, 1928, the Governor of Kentucky is hereby authorized and directed to appoint a

commissioner to make and execute, and said commissioner is hereby authorized and directed to make and execute for and on behalf of the Commonwealth of Kentucky, a deed conveying fee simple title to the United States of America for national cemetery or park purposes, in conformity with the provisions of the said act of Congress when enacted, seventeen and three-fourths (17¾) acres of land, more or less, in Boyle County, Kentucky, now owned and held by the Commonwealth of Kentucky, together with all improvements thereon and appurtenances thereunto belonging; such conveyance to be made free of any cost or charge to the United States of America for the property so conveyed. The said commissioner is hereby authorized to ascertain by survey or otherwise the metes and bounds of said land so conveyed and to include in said deed an appropriate description of said land; and also a clause or proviso to the effect that, if and when the United States government shall cease to use or maintain the land thus conveyed as a national cemetery or park, the same if demand to that effect shall be made by the Governor of Kentucky, shall revert to the Commonwealth of Kentucky, and complete jurisdiction over same shall thereupon be again vested in said Commonwealth of Kentucky. The said deed shall be in such forms as shall be agreeable to the provisions of said act of Congress, when enacted, and this act; and the action of said commissioner shall be and constitute the action of the Commonwealth of Kentucky in the premises.

§ 2. When such conveyance to the United States of America shall be made for and on behalf of the Commonwealth of Kentucky, exclusive jurisdiction shall then and thereby be ceded by the Commonwealth of Kentucky to and vested in the United States of America over the land so conveyed for all purposes, except that civil and criminal process issued by or under the authority of said Commonwealth may be executed thereon the same as heretofore; but the jurisdiction hereby ceded shall continue no longer than the United States of America shall own said land.

§ 3. When such conveyance shall be made to the United States of America for and on behalf of the Commonwealth of

Kentucky, land so conveyed with all structures and improvements erected or maintained thereon, so long as same may remain the property of the United States, shall be exempt from all taxes and assessments imposed or levied by or under the authority of the Commonwealth of Kentucky or any county, municipality or district thereof.

§ 4. When said land shall be duly conveyed to the United States of America agreeable to and for the purposes named in said act of Congress, exclusive jurisdiction of the Commonwealth of Kentucky over same shall be then and thereby ceded and shall vest in the United States of America so long as same shall be used for national cemetery or park purposes; except that civil and criminal process issued by or under the authority of said Commonwealth may be executed thereon the same as heretofore; and in like manner as provided in Section 3 hereof, all structures and improvements erected or maintained thereon so long as same will remain the property of the United States, shall be exempt from all taxes and assessments imposed or levied by or under the authority of the Commonwealth of Kentucky or any county, municipality or district thereof.

§ 5. All acts or parts of acts in conflict herewith are hereby repealed.

Senator Moore moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill

in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	O. M. Rogers
W. W. Booles	Silas Jacobs	J. M. Rose
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	Dr. Lewis Ryans
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	Wm. Mehler	Thos. O. Turner
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	W. A. Yates
Arch Hamilton	D. C. Naive	Allie W. Young
J. S. W. Holloway	Marion F. Pogue	Gates F. Young
Robert Humphreys	Dr. G. W. Ragan	—35

Resolved that the title thereof be as aforesaid.

Senator Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 137. An Act to amend Chapter 146 of an Act of the General Assembly passed at its 1920 session entitled "An Act relating to free public libraries in cities and towns of the third, fourth, fifth and sixth classes of this Commonwealth," the same being Sections 2741d-1 to and including 2741d-5 of Carroll's Kentucky Statutes, official edition 1930; by adding thereto sections providing that certain libraries in said cities and towns shall be free public libraries, how they may become such, for their support, for separate funds, separate libraries for the white race and for the Negro race, for taxing separate property of the two races and the division of funds, for issuing warrants on claims, for appointment of the first board of

trustees and defining the construction to be applied to this amendment."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In cities and towns of the classes named herein in which there is no free public library, but in which a library building which cost at least ten thousand ($10,000.00) in cities of the third, fourth and fifth classes, or at least five thousand ($5,000.00) in towns of the sixth class, and is reasonably of that value, has been or hereafter may be erected, and fully paid for by voluntary donations made by citizens and business organizations of said city or town and the vicinity thereof, not including in any one donation any amount over two per cent of the whole sum contributed, on a lot in said city or town, the fee-simple title to which is in a library association or corporation or trustees for library purposes, and which lot is fully paid for and free from incumbrance, and which library building and lot with the emoluments thereof are devoted wholly to library purposes, and into which library building and library, all citizens of said city or town, or all white citizens thereof, or all colored citizens thereof, as the case may be, have, and shall continue to have, free and equal rights of admittance into said library building and free and equal rights and privileges to the use of the library as named and provided for in this Act, shall be entitled to and shall have all of the aid, benefits, and applications of the terms and provisions herein, and in said Chapter 146; provided, however, the two-tenths of one mill on each one ($1.00) dollar named in Section 1 of said Chapter 146 as the least popular subscription required, and the one mill on each one ($1.00) named in said section and in Section 3 thereof as the maximum limit of the tax levy authorized therein shall, for all separate class libraries provided for in this section, be based or levied upon each one ($1.00) dollar of all property which is subject to taxation for other municipal purposes in such city or town owned by

all persons of the race or races, respectively, to whom is given the free access to said library building and library; provided, the minimum valuation of the library building erected or that may be hereafter erected by voluntary donations, as herein provided, for the exclusive use of the class or race known as the Negro or colored race, shall be four thousand ($4,000) dollars in cities of the third, fourth and fifth classes and two thousand ($2,000) dollars in towns of the sixth class.

§ 2. If a library building herein provided for has been or hereafter shall be erected from voluntary donations as herein named, for the separate and exclusive use of each of said races in such city or town and a library is or shall be maintained therein according to the provisions of this amendment for each separate race, the revenue derived from the one-half of all fines, forfeitures, and costs from the police court, appropriated in Section 5 of said Chapter 146 shall, when paid to the treasurer of the city or town, be credited to the library fund of said separate library organizations, respectively, in the proportion per capita as the total number of citizens of such city or town belonging to each of the respective races bears to the total population of the city or town as shown by the last preceding census made by the official authorities of the said city or town. The revenues derived from the ad valorum tax against property belonging to the respective races shall be credited to the library fund for which the levy was made, giving to each the amount collected on property of each race, respectively, viz.: credit to the library fund for the white race the revenue received from property of the white race and credit to the library fund for the Negro race the revenue received from property of the Negro race. Amounts received from ad valorem taxes on all property and any and all other taxes received for library purposes, shall be apportioned to the said library funds in the way and manner that is now or hereafter may be, provided by law for common or graded school purposes.

§ 3. If in any of said cities or towns only one of the library buildings named and provided for in Section 1 hereof has been or hereafter may be erected and a library installed

therein for the separate and exclusive use of only one of the said races of said city or town, such free public library shall receive the full amount of the fines, forfeitures and costs appropriated in Section 5 of said Chapter 146, and the full amount of taxes levied for library purposes on all the other property of said city or town subject to taxation for school purposes, except there shall be no tax levied on any property of the race who do not have free access to the said building and library.

§ 4. Members of the first board of any public library herein provided for shall be appointed immediately after the tax is levied or subscriptions have been made and approved by the mayor or chief executive—one for one year, one for two years, one for three years and two for four years; thereafter the term of office shall be for four years and until their successors are appointed and qualified.

§ 5. Each warrant issued on claims allowed for such public library shall specify the proper library fund out of which it is payable if there are more than one library fund.

§ 6. The trustees and managing authorities of any library which they desire shall become a free public library herein authorized or a majority of the members of each thereof may file their petition with the common council or governing authority of such city or town or county requesting that such library property be declared a free public library as provided for in said Chapter 146; but no such library property shall be in any way affected by this law until such petition is so filed.

The petition shall state the facts and conditions existing as required herein to become a free public library and shall be sworn to by one of the petitioners. The council or governing authority may require additional proof of the statements in the petition. An appeal may be taken from the decision of the council or governing authorities by any of the petitioners or any taxpayer of said city or town to the Circuit Court of the county.

§ 7. The provisions of this act shall not in any way apply to any free public library heretofore or hereafter organized under said Chapter 146, except those libraries named in Section 1 of this amendment which shall hereafter be organized; but all provisions of said Chapter 146, not inconsistent with this amendment, shall apply to all libraries named in Section 1 of this amendment.

§ 8. If any provisions or portion of any provision of this act shall be adjudged to be unconstitutional such judgment shall not affect any other portion and the remainder of the act shall continue in force and effect. If the provision in Section 3 hereof for the use of fines, forfeitures and costs in the police court shall be adjudged to be unconstitutional, the library therein named shall receive its proportional part of said fines, forfeitures and costs as provided for in Section 2 hereof.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Dr. T. J. Edge	Chas. G. Franklin
W. W. Booles	Thos. C. Ferguson	Perry B. Gaines
Edwin C. Dawson	Walter N. Flippin	Arch Hamilton

J. S. W. Holloway	Dr. G. W. Ragan	Joe Stewart
Robert Humphreys	O. M. Rogers	Thos. O. Turner
Wm. Isaacs	J. M. Rose	F. M. White
Frank I. Lloyd	R. H. Royster	W. A. Yates
Ray B. Moss	Dr. Lewis Ryans	Allie W. Young
D. C. Naive	E. D. Stephenson	Gates F. Young
Marion F. Pogue		—28

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 140. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 3rd day of June of the year 1932 and the 3rd day of June of each year thereafter is hereby declared a legal holiday, to be known as "Confederate Memorial Day", and the same shall be recognized, classed and treated as other legal holidays under the laws of this State.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the 3rd day of June of the year 1932 and the 3rd day of June of each year thereafter is hereby declared a legal holiday, to be known as "Confederate Memorial Day," and the same shall be recognized, classed and treated as other legal holidays under the laws of this State.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	J. S. W. Holloway	Dr. G. W. Ragan
W. W. Booles	Robert Humphreys	O. M. Rogers
Edwin C. Dawson	Wm. Isaacs	R. H. Royster
Dr. T. J. Edge	Frank I. Lloyd	Dr. Lewis Ryans
Thos. C. Ferguson	Wm. Mehler	E. D. Stephenson
Walter N. Flippin	Ray B. Moss	F. M. White
Chas. G. Franklin	D. C. Naive	W. A. Yates
Perry B. Gaines	Marion F. Pogue	Allie W. Young
Arch Hamilton		—25

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 149. An Act relating to Chiropractic, amending and re-enacting Section 8 of Chapter 123 of Acts of the General Assembly of 1928.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 8 of Chapter 123 of the Sessions Acts of the General Assembly of 1928, same relating to Chiropractic, be and the same is amended, and as so amended said section of said chapter shall read and be as follows, to-wit:

Section 8. All license heretofore or hereafter issued to persons to practice Chiropractic in the Commonwealth of Kentucky shall pay to this Board an annual renewal fee of $3.00 on or before the first day of January of each year after this law becomes effective, and any person engaging in the practice who having held license shall upon failure to renew same as is herein provided, be punished as in the manner provided by Section 13 of this Act. The Secretary of the Board, shall not later than November 1st of each year, mail to all licensed chiropractors in this Commonwealth a notice to the effect that the said renewal fee is due on or before the 1st day of the succeeding January. All renewal certificates shall be signed by the Secretary, under the seal of the Board. All licensees shall file their license with the County Court Clerk of the county in which such licensee resides, before engaging in practice, and the clerk shall record same in a book kept in his office.

§ 2. All laws in conflict with this amendment are hereby repealed.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Robert Humphreys	Dr. G. W. Ragan
W. W. Booles	Wm. Isaacs	O. M. Rogers
H. M. Brock	Alex E. Johnson	J. M. Rose
Edwin C. Dawson	L. C. Littrell	R. H. Royster
Dr. T. J. Edge	Frank I. Lloyd	Dr. Lewis Ryans
Thos. C. Ferguson	Rev. C. D. McCaw	E. D. Stephenson
Walter N. Flippin	Wm. Mehler	Joe Stewart
Chas. G. Franklin	E. C. Moore	Thos. O. Turner
Perry B. Gaines	Ray B. Moss	F. M. White
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Allie W. Young

—33

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 13. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the government of cities of the second class of the Commonwealth of Kentucky," approved February 12, 1930.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

Senator Jacobs proposed the following amendment to said bill. Amend Senate Bill 46 by striking from the printed form in lines 6 and 7 the words "It is hereby made its duty to enter into a contract." Further amend said bill by striking therefrom in the printed form lines 15 to 37 inclusive.

Senator Allie W. Young proposed the following amendment to said bill. Amend by adding after line 37, the following: No county adjoining said county in which a community hospital is located shall be required to contribute to the funds provided for herein until said question has been submitted to the voters of said county and a majority of said voters have declared for said appropriation.

Senator Moore proposed the following amendment to the said bill. Amend Senate Bill 46 by striking out the words "is hereby authorized and it is hereby made its duty to make" in lines 6 and 7, and insert in lieu thereof the word "may." Also by striking out the words "It shall be the duty of" in line 15. Also by inserting the word "may" in line 17 between the words "Hospital" and "on." Also by striking out the words "shall be the duty of the Fiscal Court" in lines 27 and 28 and insert in lieu thereof the word "may." Also by striking out the words "and demanded" in line 32.

Senator Yates moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 52. An Act to amend paragraph eleven (11), Section 1938a, Chapter 57, and paragraph twenty-four (24), Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's 1930 Edition, relating to open season and bag limit on quail or bob-white, and license to hunt, and providing for statement of game birds and animals killed, by adding thereto the language as hereinafter set out.

Senator McCormick moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 139. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

Senator Franklin moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the day a bill entitled:

S. B. 30. An Act to repeal and re-enact Section 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 145. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of Dentistry in the State of Kentucky. Passed March, 1912.

The Committee on Public Health proposed the following amendment of said bill. Amend Senate Bill 145 by striking out in Section 9, line 214 of the printed bill the words "three dollars" and inserting in lieu thereof the words "one dollar."

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works; and further providing for definition of terms used; enforcement of and penalty for violation of this act.

Senator Mehler moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 57. An Act to repeal and re-enact Section 2290-b, Carroll's Kentucky Statutes, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8) hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth.

And providing for the enforcement of and penalties for violation thereof.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 89. An Act amending Chapter 187, Section 3, of 1926, making it mandatory to pay pension to persons with permanent disability under the provisions of said chapter.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 38. An Act to amend and re-enact Section Seven Hundred and Forty-five (745) of the Civil Code of Practice.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 111. An Act to amend and re-enact Sections 280 and 281 of Chapter 8 of the criminal code of practice relating to bills of exceptions.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 171. An Act to repeal, amend and re-enact Subsection 17 of Section 165a, Kentucky Statutes, Carroll's 1930 Edition, relating to the State Banking Department.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 107. An Act relating to jailers and providing for the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the sheriff of the county, and providing for the compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 132. An Act to amend Section 564, Subsection 2, Kentucky Statutes, Carroll's Edition 1915, relating to corporations.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 134. An Act to amend Section 2132 of Carroll's Kentucky Statutes, relating to the interest that a surviving husband or wife shall have in the real and personal estate left by the deceased spouse.

Senator Royster moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 126. An Act to provide for the postponement of the rendition of judgment and the use of probation in criminal cases, providing for the appointment and compensation of probation officers and defining their powers and duties.

Senator Hamilton moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. An Act to repeal Sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477 of the Acts of the General Assembly of 1914, being a portion of the Act providing for the Commission Form of Government for Cities of the Third Class, and the sections repealed by this Act are now Sections 3480b-8, 3480-9, 3480b-10, and 3480b-26 of Carroll's Kentucky

Statutes, 1930 Edition, and providing in lieu thereof, that the Mayor, Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the third class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

Senator Moss moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 125. An Act empowering the State Board of Charities and Corrections to direct probation in Kentucky and providing for the designation and special compensation of a member of said board to act as chief director of probation and for the compensation of other employees and appropriating necessary funds from the general fund for its administration.

Senator Hamilton moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 58. An Act amending Section three thousand five hundred and forty-five (3545) of Carroll's Kentucky Statutes, 1930 Edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said Section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond, and providing for his compensation, and authorizing the city council of cities of the fourth class to impose upon the city treasurer or the clerk of the council

the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes.

Senator Humphreys proposed the following amendment to said bill. Amend Senate Bill No. 58, page 2, line 7, of printed bill by striking out the word shall, after council and substituting therefor the word may.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. R. 2. Resolution for the relief of C. M. Green, for mileage and expenses by him as agent for the Commonwealth of Kentucky.

Senator White moved that said resolution be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

ENROLLMENT REPORT.

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the House, of the following titles:

H. Res. 3. Resolution providing a contingent fund for the Clerk of the House and the Clerk of the Senate.

H. Res. 5. Resolution requesting heads of departments, bureaus and other agencies of the State Government to furnish to the General Assembly certain information.

H. B. 36. An Act to assist disabled ex-service men and

women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said Board.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk of the Senate deliver said bills and resolutions to the Enrolling Clerk of the House of Representatives.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

SATURDAY, JANUARY 30, 1932.

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Dr. E. W. Baxter of the Episcopal Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Those who voted in the affirmative were:

Jas. H. Bondurant	Walter N. Flippin	J. S. W. Holloway
W. W. Booles	Chas. G. Franklin	Robert Humphreys
Edwin C. Dawson	Perry B. Gaines	Wm. Isaacs

L. C. Littrell	Marion F. Pogue	F. M. White
Rev. C. D. McCaw	Dr. G. W. Ragan	Sewell B. Williams
Wm. Mehler	R. H. Royster	W. A. Yates
E. C. Moore	E. D. Stephenson	Allie W. Young
Ray B. Moss	Joe Stewart	Gates F. Young
D. C. Naive	Fred C. VanHoose	—26

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Moss.

S. B. 273. An Act to establish as a part of the Primary System of State Highways of the Commonwealth of Kentucky, a road from London in Laurel County to Whitley City in McCreary County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road running from London, following the Sublimity road as nearly as practicable by the way of Laurel Chapel, Bald Rock voting precinct, thence to and crossing the Cumberland River at a point near and above the mouth of Rockcastle River, thence to Whitley City in McCreary County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of

the General Assembly of 1920, establishing and creating a primary system of State highways.

By Senator Moss.

S. B. 274. An Act providing that it shall be unlawful for the Mayor and members of Boards of Councils of Cities of the Fourth Class to vote for any relatives by blood or marriage for any office set out in the Charter to the aforesaid class cities, and providing penalty therefor.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be unlawful for the mayor or any member of the board of council of cities of the fourth class in this State to vote to place any relative by blood or marriage in any of the offices provided under the charters of the cities of the fourth class or to vote for the relatives of the mayor any other member of the aforesaid board of council while said councilman or mayor is in office or during his term of office.

It is hereby declared a misdemeanor for any mayor or councilman so to vote as to violate the first paragraph of this act, and any one of them so violating same shall be fined in any sum from $100.00 to $500.00 and on conviction shall forfeit his office.

All acts and parts of acts in conflict with this act are hereby repealed.

By Senator Dawson.

S. B. 275. An Act repealing Section 2739f-4, Kentucky Statutes, Carroll's 1930 Edition, including all and singular

subsections thereof, being all of Chapter 26 of the Acts of the General Assembly of 1922; and enacting in lieu thereof an act creating a commission of five members to be known as "My Old Kentucky Home Commission", fixing the qualifications and terms of office of the members of said Commission, and prescribing the powers and duties of said Commission, and declaring an emergency to exist.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2739f-4, Kentucky Statutes, Carroll's 1930 Edition, including all and singular subsections thereof, being Chapter 26 of the Acts of the General Assembly of 1922, be and the same hereby is repealed.

§ 2. There hereby is created a commission to be known as "My Old Kentucky Home Commission." Said Commission shall be composed of five members, each of whom shall be a resident of the Commonwealth of Kentucky, and each of whom must have resided in the Commonwealth of Kentucky for at least ten years next preceding his or her appointment; and each must be reasonably conversant with the history of the Commonwealth of Kentucky. The members of said Commission shall be appointed by the Governor within ten days after the effective date of this act; and the term of office of each member shall be four years from the date of appointment; and each and every commissioner shall be eligible for re-appointment. The position as member of said Commission shall not be construed as incompatible with any other official position or office within this Commonwealth. The members of said Commission shall serve without compensation; and a majority thereof shall constitute a quorum for the transaction of business. Each and every member of the Commission shall be confirmed by the Senate. The Commission shall

meet as soon as practicable after appointment, qualification and confirmation; and shall organize by electing one of its members as chairman, another of its members as vice-chairman, and another as secretary. The Commission shall also elect a treasurer.

§ 3. The Commission is hereby empowered and authorized to employ such assistants and employees as it may deem necessary to efficiently and economically discharge the duties imposed upon it by law; and it is empowered and authorized to fix the salary and compensation of those so employed, which salary or compensation shall be paid out of the State Treasury upon certification by the Commission to the Auditor of Public Accounts, and charged to the appropriation which may be made by the General Assembly for the use and benefit of the Commission.

§ 4. All monies received by the Commission, no matter from what source, shall be deposited with the Treasurer of the Commonwealth of Kentucky, and shall be paid out only on proper certification made by the Commission.

§ 5. The Commission shall have the right to receive donations and gifts for the improvement and/or maintenance of the property; and shall have the power to institute, promote and/or advance an "Old Kentucky Home Memorial Association," and provide for both life and annual membership therein, and fix the fees for such membership; but the fee for a life membership in such an association shall be $25.00 and the fee for an annual membership in such an association shall be $5.00. All sums received as a result of the payment of membership fees in such association, shall be used by the commission for the improvement and maintenance of the said memorial, all vouchers to be paid through the office of the Auditor of Public Accounts and Treasurer of the Commonwealth of Kentucky. All gate receipts shall be handled in a like manner. No member of such "Old Kentucky Home Memorial Association" shall have any vote or voice in the management of the affairs of the Commission, but the names

of all members of such associations shall be kept upon an official register at "My Old Kentucky Home."

§ 6. The regular meeting place of the Commission shall be at "My Old Kentucky Home" near Bardstown, Kentucky; but the Commission may hold other meetings in the State as may be deemed best. This Commission shall hold regular meetings at least every two months, and special or called meetings may be held when such a call is made either by the Governor or by three members of the Commission.

§ 7. The treasurer shall be required to execute a bond in a sum of not less than Five Thousand ($5,000.00) Dollars, the bond to be approved by the Commission and the premiums on said bond shall be paid out of any funds at the disposal of the Commission. The Treasurer, at the end of each month, shall deliver to each member of the Commission and to the Auditor of Public Accounts, the State Treasurer and the Governor, a written, itemized statement showing all receipts and disbursements of funds.

§ 8. Any vacancy in said Commission, resulting from death, resignation or other cause, shall be filled for the unexpired term thus vacated, by appointment to be made by the Governor.

§ 9. Nothing in this act shall be construed as revoking or withdrawing the acceptance of title to the estate known as "Federal Hill" together with all of the buildings and appurtenances thereon, including the mansion house, which estate is more particularly described in a deed of conveyance made on the 22nd day of March, 1921, by and between Mrs. Madge Frost, party of the first part, and the members of the Old Kentucky Home Commission, parties of the second part; which deed is of record in the office of the Clerk of the County Court of Nelson County in Deed Book No. 88 at page 580; which acceptance of title is expressly made by the General Assembly by Section 1, Chapter 26 of the Acts of the General Assembly of 1922.

§ 10. The Commission created and provided for in this Act shall succeed to all the rights, powers, privileges and duties of the Commission appointed and provided for pursuant to the provisions of Chapter 26 of the Acts of the General Assembly of 1922, and shall succeed to and be vested with, as herein set out, the title to all of the property, money, subscriptions, donations and endowments of said former Commission.

§ 11. If any section, clause, sentence, paragraph or provision of this Act shall be held invalid or unconstitutional, such fact shall not affect the remainder of the act.

§ 12. Inasmuch as there is widespread criticism as to the economical propriety of the expenditure of some of the funds of the present Commission, the Commission appointed under this act shall immediately take over the possession and control of said property; and because of that condition, an emergency hereby is declared to exist and this act shall take effect immediately upon its passage, approval by the Governor and the qualification of the commissioners herein provided for.

By Senator Bondurant.

S. B. 276. An Act to prescribe the qualifications of special deputy banking commissioners performing duties connected with the liquidation and distribution of insolvent banks.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every special deputy banking commissioner appointed or authorized to assist the banking commissioner of this State in the duty of liquidating and distributing the assets of any

insolvent bank shall be a resident and citizen of the Commonwealth of Kentucky, shall be a practical bookkeeper and accountant and shall have had not less than four years' actual experience as officer or clerk in a bank or trust company.

By Senator Hamilton.

S. B. 277. An Act to amend and re-enact Section No. 2518, Kentucky Statutes, Carroll's 1922 Edition, providing that a period of FIVE years instead of TWO years, shall be the time when an action upon a merchant's account for goods, wares and merchandise sold and delivered, or any article charged in such store account, shall be commenced next after the cause of action accrued.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section two thousand five hundred eighteen (2518), Carroll's Kentucky Statutes of 1922, be amended by striking out the word "two", fixing the number of years at five years as the time when an action upon a merchant's account for goods, wares and merchandise sold and delivered, or any article charged in such store account, shall be commenced next after the cause of action accrued, and by inserting in lieu thereof the word "five", so that said section, when amended, shall be re-enacted and read as follows:

"Merchant's Account; Action to be Brought Within Five Years; Penalty for Post-dating Account.—An action upon a merchant's account for goods, ware and merchandise sold and delivered, or any article charged in such store account, shall be commenced within five years next after the cause of action accrued.

In every action upon such merchant's account as last

above described, the limitation shall be computed from the first day of January next succeeding the respective dates or times of the delivery of the several articles charged in the account; and judgment shall be rendered for no more than the amount of such articles as were actually charged or delivered with five years preceding that in which the action was brought; and if any merchant or trader shall wilfully post-date any article charged in such account, or the receipt for the delivery thereof, or cause it to be done he shall forfeit tenfold the amount of such article post-dated, to be credited to the person against whom the account may be; and such credit shall be allowed such person in any action on the account without any written pleadings setting it up." (See also Section 2520.)

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall become effective from and after the date of its passage.

By Senator Hamilton.

S. B. 278. An Act prohibiting certain persons, corporations, associations and companies from engaging in the business of soliciting and accepting premiums or dues, and selling policies or contracts guaranteeing to owners of motor vehicles the services of attorneys, or providing for the towing of motor vehicles, or to hold themselves out to the public as authorized to engage in insurance business, or in the kind of business usually transacted by insurance companies, associations or exchanges, although transacted under some other name or description, unless such corporations, associations and companies are incorporated or organized as insurance companies, associations or exchanges, and registered and licensed by the insurance department and providing penalties.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, corporation, company or association to do business within this Commonwealth, as an individual or as a corporation or protective or co-operative company or association, incorporated, organized or formed for the purpose of soliciting and for accepting premiums or dues, and selling to purchasers policies or contracts guaranteeing to owners of automobiles, motorcycles or trucks, the services of attorneys in event of damage to persons or property arising out of the operation of automobiles, motorcycles or trucks, or providing for the towing of any damaged or disabled automobile, motorcycle or truck, or to hold himself or itself out, or to represent himself or itself to the public as being engaged in insurance business, or being an insurance company, insurance association, person, company or association authorized to engage in any kind of insurance business or to do the kind of business usually transacted by insurance companies, insurance associations and insurance exchanges, although transacted under some other name or description, unless such person, company or association is legally incorporated or organized and doing business under the laws of this Commonwealth as an insurance company, insurance association or insurance exchange, and is duly registered and licensed to do business by the Insurance Department.

§ 2. Any company, corporation or association violating the provisions of this act shall, upon conviction thereof, be sentenced to pay a fine of not less than Five Hundred ($500) Dollars or more than One Thousand ($1,000) Dollars, or the members or officers of any corporation, company or association responsible for the violation of this act, shall be imprisoned in the county jail for a term of not less than three months nor more than six months, or both so fined and imprisoned in the discretion of the jury.

§ 3. The provisions of this act shall not apply to automobile clubs organized under the laws of this Commonwealth

as corporations having no capital stock and not operated for profit.

§ 4. All other acts and parts of acts in conflict herewith are hereby repealed.

By Senator Franklin.

S. B. 279. An Act to amend Section 4239i-2, of the Kentucky Statutes, Carroll's 1930 Edition, entitled "Poll Tax, Old Age Exemption."

To Committee on Veterans' Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4239i-2 of the Kentucky Statutes, Carroll's 1930 Edition, entitled "Poll tax, old age exemption," be amended by adding after the word "years" in said section the following words: "and all honorably discharged veterans of any war in which the United States was engaged, when such veterans are recognized as disabled veterans by the proper federal agency and are thus in receipt of any pension, compensation, disability allowance, retirement pay, or any payment or allowance made by reason of their having served in time of any war," so that same, when so amended, shall read as follows:

"That hereafter all citizens of the State of Kentucky who have obtained the age of seventy years and all honorably discharged veterans of any war in which the United States was engaged, when such veterans are recognized as disabled veterans by the proper federal agency and are thus in receipt of any pension, compensation, disability allowance, retirement pay or any payment or allowance made by reason of their having served in time of any war, shall be and they are here-

by exempted from the payment of a poll tax of any kind, either for State, county, city, school or district taxes."

Senator Franklin proposed the following resolution:

SENATE RESOLUTION 21

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States be, and the same is hereby memorialized to pass legislation at its present session, which will provide for pension or compensation to be paid to widows and orphans of all deceased ex-service men, who may apply therefor and show that they do not possess independent resources suffiicient to provide proper living conditions for themselves and their dependents, regardless as to whether or not the death of said ex-service man was directly traceable to disability caused by his service.

Senator Franklin moved the suspension of the rules, and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution, it was decided in the affiirmative.

Said resolution was adopted.

House Resolution No. 29 was called from the Clerk's desk.

Said resolution reads as follows:

HOUSE RESOLUTION 29

Resolution: Whereas, the House of Representatives and the Senate of Kentucky has invited various outstanding Democrats to address them regarding their candidacy for the Presidency of the United States, and

Whereas, one of the foremost Democrats, the Honorable John Garner, Speaker of the House of Representatives of the United States, was, through error, omitted from this list, and

Whereas, it is the purpose of the House and Senate to hear all of the candidates for the Democratic nomination for the Presidency studying their platforms, so they may determine for which candidate they may choose to give their ballots or their vote in convention for this high office.

Therefore, be it resolved by the House of Representatives and the Senate concurring therein, that we extend an invitation to the Hon. John Garner, Speaker of the National House of Representatives, to address us in joint session, the day to be fixed suitable to his convenience, after this invitation is sent to him at Washington.

Senator Holloway moved that said resolution be taken up and it be adopted.

The question being taken thereon, was decided in the affirmative.

Said resolution was adopted.

House Resolution No. 30 was called from the Clerk's desk.

Said resolution reads as follows:

HOUSE RESOLUTION No. 30.

Whereas, the printers of North America, through the International Typographical Union, have established at Colorado Springs, Colorado, a tubercular sanitorium and home for the sick and aged of this craft, which, from a small beginning in 1892, now comprises 250 acres, with a total property value of more than $3,000,000.00; and

Whereas, the Printers' Home now cares for more than

300 residents continuously, expending more than $300,000 yearly for the care of their sick and infirm, returning many stricken printers to their homes rehabilitated, to live long and useful lives in their community; and

Whereas, the International Typographical Union at its recent Convention held in Boston, Massachusetts, adopted a resolution which places itself squarely as desiring an auxiliary Home in the East to be nearer the greater number of its members, as is shown by these words ".....but goes on record as being desirous of establishing an eastern sanitorium similar to the one at Colorado Springs.....''; and

Whereas, many sections of Kentucky are unequaled by any State in the nation for the treatment and cure of tuberculosis, and where the scenic beauty and temporate climate are such as to surround the aged with peace and contentment in their declining years;

Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky, the House and Senate concurring:

§ 1. That the International Typographical Union be invited to establish its eastern printers' home in the State of Kentucky.

§ 2. That the Governor of Kentucky extend this invitation to the International Typographical Union (Charles P. Howard, President, and Woodruff Randolph, Secretary-Treasurer), whose headquarters are at Indianapolis, Indiana.

Senator Gates F. Young moved to take up said resolution and to be adopted.

The question being taken thereon, it was decided in the affiirmative.

Said resolution was adopted.

CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in Orders of the Day.

Said titles to bills are as follows:

S. B. 158. An Act extending authority of notaries public to take depositions and do other official acts in all counties of the Commonwealth.

S. B. 27. An Act to amend Section 1,112 of Carroll's Kentucky Statutes, providing for removals on change of venue in certain criminal cases from one county to another, and for the payment of the costs on such removals, and upon the trials after such removals are had.

S. B. 28. An Act to amend and re-enact Section 1,119 of the Kentucky Statutes, providing for the payment of costs on changes of venue in criminal cases granted on the application of the Commonwealth, and providing that all the costs which would be borne by the county had the removal not been made, shall notwithstanding the removal be borne by said county from which the removal is made.

S. B. 26. An Act to amend Section 1110 of Carroll's Kentucky Statutes, providing for changes of venue in criminal cases upon application of the defendant, and by providing for the payment of the costs on changes of venue made upon the application of the defendant in criminal prosecutions.

H. B. 245. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

S. B. 3. An Act to amend and re-enact Section 192a of Carroll's 1930 Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1906 Acts of the General Assembly of the Commonwealth of Kentucky," entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," which Act became a law March 24, 1906, without the approval of the Governor.

S. B. 2. An Act to amend and re-enact Section 1599a-11 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

S. B. 194. An Act to amend and re-enact Section 4536k-1 of the 1930 Edition of Carroll's Kentucky Statutes, and which section is Section 1 of Chapter 67, page 261 of the Session Acts for 1920.

S. B. 34. An Act to amend Section Two Thousand Three Hundred Eighty (2380), Sub-section Thirty-four (34), Baldwin's Revision of Carroll's Kentucky Statutes, 1930, being Chapter 114 of the Acts of the General Assembly of the Commonwealth of Kentucky at its session of 1918, relating to the issue of Drainage Bonds and the nature and payment of same, by providing for the issue of removal or refunding bonds, the manner of issuing same and the nature and payment thereof.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 121. An Act providing that monies in the sinking funds in the counties, cities, towns and taxing districts of Commonwealth of Kentucky, at the end of each Fiscal year shall be applied to the payment and retirement of the out-

standing bonds that are due or called, and if said bonds are not due or callable then bids are to be received by the Fiscal authorities of said counties, cities, towns or taxing districts, calling for prices on said bonds and authorizing said Fiscal authorities to purchase said bonds at prices deemed reasonable.

It was ordered that said bill be referred to the Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

§ 1. That it shall be the duty of the fiscal authorities in all counties, cities, towns and taxing districts in the Commonwealth of Kentucky, at the end of each fiscal year to apply all monies in the sinking fund of such counties, cities, towns and taxing districts to the payment and retirement of all bonds that are due and callable and if such bonds are not due or callable it shall be the duty of such fiscal authorities to advertise for bids for said bonds and said fiscal authorities are authorized to purchase said bonds at prices deemed reasonable, not over five per cent above par by said fiscal authorities.

§ 2. This act shall take effect from and after its passage.

§ 3. The provisions of this act shall not apply to counties containing cities of the first class or to any cities of the first class.

A message was received from the House of Representatives announcing that they had adopted a resolution of the following title:

HOUSE RESOLUTION No. 28

Resolution to obtain information from certain sources, for the appointment of committees by Speaker of House and President of the Senate.

Said resolution reads as follows:

Whereas, the revenues of the Commonwealth of Kentucky have decreased considerably in the past year, and

Whereas, the State is now faced with a possible deficit of from five to eight million dollars per year, and

Whereas, no method has been developed by which the Legislature can secure adequate revenue for the purpose of meeting said deficit, and

Whereas, the schools of the State and the charitable and penal institutions and all other State functions of government will be seriously impaired by the failure of the State to provide means for meeting expenses of the same, and

Whereas, the Resolution adopted by the House of Representatives on January 22, 1932, was incomplete and should be amended, same is hereby amended and re-enacted to read as follows:

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the speaker of the House be authorized and directed to appoint a committee to be composed of five members, and the Lieutenant Governor be authorized to appoint a committee of five members from the Senate, for the purpose of obtaining information and conducting a general investigation into possibe sources of revenue for the purpose of raising funds to meet said deficit; said committees to be empowered to call any and all persons within the Commonwealth of Kentucky before said committees for the purpose of giving information as to public or private business and also authorized to call upon the Federal Government at Washington for information concerning sources of Federal Revenue in the Commonwealth of Kentucky and on any and all State officials for the purpose of investigation as to possible saving in revenue

or avenue for the raising of revenue. The said committees may hold separate meetings when deemed necessary by either of them, and will report all findings made in separate meetings to the joint committee; but either committee may report any findings it desires to the body that created it, at any time.

§ 2. Said committee shall be known as the "House and Senate Research Committee" hereinafter referred to as "the Committee." Said Committee shall have the powers hereinafter enumerated and all of the powers granted by Section 39 of the Constitution of Kentucky.

§ 3. The enumeration of powers and duties herein granted to the Committee shall not be construed as a limitation upon the powers thereof, but the Committee shall have, in addition to the enumerated powers herein, the power and duty to make any investigation deemed by it pertinent or enlightening to the General Assembly relative to needed legislation bearing upon the questions of raising revenues and imposing taxes for the purpose of furnishing sufficient funds to transact the business of the State.

§ 4. The Committee and each subdivision thereof are hereby clothed with full plenary power to command or subpoena any person or persons it desires; any officer or officers of any department of the State Government, who may, in the opinion of the Committee, have knowledge or information pertaining to any of the purposes for which the Committee is created, and is given the power to administer oaths to any and all witnesses subpoenaed before it and to compel each and every witness summoned before it to answer any and all questions propounded by the Committee or any member thereof, pertinent to any investigation conducted by it, as provided herein. If either subdivision thereof shall have the power to require any and all records asked for by it to be produced at any time and place mentioned in the subpoena, and to require the production of any and all books, papers, documents, contracts, or agreements, or any other data or written instrument or papers deemed pertinent or necessary to the investigation.

§ 5. The committee shall meet and organize immediately after the adoption of this Resolution, the appointment thereof with power to elect necessary officers of each sub-division thereof and it shall have further power and it shall be its duty to adopt rules and regulations regarding its meetings and procedure.

§ 6. The committee may require such services and assistance as it may deem necessary from the Attorney General and his assistants; from the Auditor of Public Accounts; from the State Tax Commissioner, and from each and every official or employee of the Commonwealth of Kentucky.

§ 7. If any person shall fail or refuse to obey any subpoena of the committee to attend its meetings at any time and place specified in the subpoena, or if any witness shall refuse to be sworn or to affirm or shall refuse to answer any question propounded by the chairman of the committee or any member thereof, said person shall be guilty of contempt of the General Assembly of the Commonwealth of Kentucky and may be cited by the committee for such contempt as provided by Section 39 of the Constitution of Kentucky.

§ 8. The committee is directed to proceed as rapidly as practicable after its organization in the conduct of its investigations and to make a report to the General Assembly of the Commonwealth of Kentucky as early as possible consistent with a careful and thorough investigation. It may hold its meetings at any place within or without the Commonwealth of Kentucky and may seek information from any department, agency, or bureau of the national government or of any State within the United States, which, in its opinion, may furnish facts or information pertinent to the purposes for which it is created.

§ 9. The Speaker of the House of Representatives and the floor leader and the Lieutenant Governor and the president pro tem are hereby made members exofficio of the committee.

§ 10. The sergeant at arms of the House of Representatives and his assistants shall be at the disposal of the committee, to serve subpoenas issued by it and it shall be the duty of the sheriffs of the respective counties of the Commonwealth of Kentucky to serve subpoenas of the committee and to otherwise attend its meetings and assist the committee when requested by it to do so.

Said resolution was referred to the Committee on Kentucky Statutes No. 1.

COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 200. An Act relating to schools and changing boundary line of graded common school districts.

Reported with expression of opinion that same ought to pass.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

S. B. 113. An Act relating to juries and amending and re-enacting Section 2243, Carroll's Kentucky Statutes, 1930 Edition, with the following amendment: Amend Senate Bill No. 113 by striking from the printed bill lines 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73 of Section 1 thereof and substituting therefor the following: Either party may except to the decision of the court upon challenge to the panel as a whole or any juror thereon for cause, and such decision of the court shall be subject to review by the Court of Appeals.

Reported with expression of opinion that same ought to pass.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

S. B. 116. An Act to amend and re-enact Sections 4645a-3 and 4645a-4, Carroll's Kentucky Statutes, 1930 Edition, relating to stenographic reporters in circuit courts not in continuous session and fixing and providing for the payment of the fees of said stenographic reporters in circuit courts not in continuous session. With the following amendments: Amend Senate Bill No. 116, by striking from Subsection a of Section 2 of the printed bill lines 5, 6, 7, 8, 9 and line 10 to and including the word "day" and substitute the following therefor: Act, shall be ten ($10.00) dollars per day. Amend Senate Bill No. 116, by striking out of Subsection b of Section 2 of the printed bill lines 23, 24, 25, 26, 27 and the words in line 28 as follows: "cases in any one day," and substitute therefor the following: Courts, shall be ten ($10.00) dollars per day.

Reported with expression of opinion that same ought to pass.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

S. B. 112. An Act relating to juries and amending and re-enacting Sections 2249, 2251, and 2260, Carroll's Kentucky Statutes, 1930 Edition.

Reported with expression of opinion that same ought to pass.

Senator Turner of the Committee on Appropriations, to which had been referred a bill of the following title:

S. B. 221. An Act to appropriate $12,500.00 for repairs of the executive mansion.

Reported with expression of opinion that same ought to pass.

Senator Gates F. Young moved that the Senate adjourn until Monday, February the first, at eleven-thirty A. M.

Said motion was agreed to.

And the Senate adjourned.

MONDAY, FEBRUARY 1, 1932.

The Senate was called to order by the President, of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Dr. Chesterfield Turner of the First Baptist Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

W. W. Booles	Rev. C. D. McCaw	E. D. Stephenson
Edwin C. Dawson	Wm. Mehler	Joe Stewart
Walter N. Flippin	E. C. Moore	Thos. O. Turner
Chas. G. Franklin	Ray B. Moss	Fred C. VanHoose
Arch Hamilton	D. C. Naive	F. M. White
J. S. W. Holloway	Marion F. Pogue	Sewell B. Williams
Robert Humphreys	Dr. G. W. Ragan	W. A. Yates
Alex E. Johnson	O. M. Rogers	Allie W. Young
L. C. Littrell	R. H. Royster	Gates F. Young
Frank I. Lloyd		—28

Senator Franklin moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Jas. W. Smith.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Judge Henry Prewitt of Mt. Sterling.

Said motion was agreed to.

Senator Ragan moved to make Carroll Franklin, son of Senator Chas. Franklin, honorary page for the day.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Jas. W. Smith.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to former Senator A. A. Demumbrum and Mr. Perry Cox of Mammoth Cave.

Said motion was agreed to.

Senator Williams moved that the privileges of the floor be extended to Mr. James W. Davis.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Mrs. J. Ross Todd, Mrs. Brashear, Mrs. Wassom and James Helm of Louisville.

Said motion was agreed to.

Senator White moved that the privileges of the floor be extended to Dr. Herbert Newman and Will Edwards.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Dr. Keiffer.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Dr. and Mrs. Ed. Marcilliat, Mrs. Burk and Mr. and Mrs. H. M. Leslie.

Said motion was agreed to.

Senator Gaines moved that the privileges of the floor be extended to Hon. Ballard Clark and Hon. W. L. Dawson of La Grange.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Van Hoose.

S. B. 280. An Act to establish a State primary road project from River Post office in Johnson County down the Big Sandy River by way of Richardson, Ky., to the mouth of George's Creek intersecting with the Mayo Trail.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be and is hereby established as a part of the primary road system of the Commonwealth of Kentucky a road leading from River Post Office in Johnson County and running down the Big Sandy River on the west side, by way of Richardson to the mouth of George's Creek intersecting with the Mayo Trail.

The route thus established is to be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to the primary system.

By Senator Stephenson.

S. B. 281. An Act establishing as a part of the primary system of State highways a road from mouth of Brushy to the mouth of Turkey Creek, just below South Williamson, Pike County.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be established as a part of the primary road system of State Highways of the Commonwealth of Kentucky a road beginning at a point on State Project No.— on Johnson Creek at the mouth of Brushy Creek and thence up Brushy Creek and by the most practical route to Rockhouse Creek and thence down Rockhouse Creek to Big Creek; thence down Big Creek to Long Branch; thence up Long Branch to Nausbon Fork and up same and across the mountain to Nausbon Fork of Turkey Creek and down said fork to Turkey Creek and down same to the mouth thereof to a point on State Project No. —, in Pike County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly 1920, establishing and creating a primary system of State Highways.

By Senator Stephenson.

S. B. 282. An Act to establish as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road from Catlettsburg, Kentucky up Tug River to the State Line between Kentucky and Virginia, and to be designated and known as the "Wallace J. Williamson Highway."

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road beginning on U. S. Route No. 60, in Catlettsburg, Kentucky, and thence running up Tug River, via Louisa, Kentucky, the Mouth of Big Creek, in Pike County, South Williamson, Kentucky, the mouth of Blackberry Creek, in Pike County, the Mouth of Peter Creek, in Pike County, the mouth of Popular Creek, in Pike County, and thence to the State Line between Kentucky and Virginia, to be known and designated as the "Wallace J. Williamson Highway."

Suitable markers shall be erected and maintained by the State Highway Commission on this highway in the city of Catlettsburg, Kentucky, South Williamson, Kentucky, and at the State line between Kentucky and Virginia.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, as amended, establishing and creating a primary road system to the same effect as if said road had been named in said original act as one of the projects of the primary system of State Highways.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 283. An Act to amend Sections 1078 and 1079 of Carroll's Kentucky Statutes, 1930 Edition, in relation to the apportionment of Magisterial Districts.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1078 of Carroll's Kentucky Statutes 1930 edition, be and the same hereby is amended so that when amended the same shall read as follows:

There shall be established in each county in this State not less than three nor more than four justices' districts.

§ 2. That Section 1079 of Carroll's Kentucky Statutes 1930 Edition, be and the same hereby is amended so that the same as amended shall read as follows:

The Fiscal Court of each county shall, in open court, or in open session, as the case may be, appoint three competent citizens of the county over twenty-one years of age and residing in different portions of the county, and in different justices' districts, as commissioners to divide the county into not less than three nor more than four justices' districts. The commissioners, before they proceed to act, shall be sworn to faithfully discharge their duties.

§ 3. That the provision of this act shall not begin to apply to the office of justice of the peace, or the office of constable, until the expiration of the term of office in each instance, which is current and unexpired upon the effective date of this act. At the regular election for justice of the peace and constables in 1933 such justices and constables shall be elected for the district under the apportionment of such districts as provided for in this act.

§ 4. All acts and parts of acts in conflict herewith are hereby repealed.

By Senator Stephenson.

S. B. 284. An Act establishing as a part of the primary system of State highways, a road from a point of State project 82 at the mouth of Road Fork of Big Creek: Thence running down Big Creek to the Mouth thereof intersecting with State Project No. — in Pike County.

To Commitee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be established as a part of the primary road system of the State Highways of the Commonwealth of Kentucky, a road beginning at a point on Kentucky State Project No. 82, at the mouth of the Road Fork of Big Creek in Pike County, Kentucky; thence running down Big Creek to the mouth thereof, intersecting with State Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly 1920, establishing and creating a primary system of State Highways.

By Senator Stephenson.

S. B. 285. An Act establishing as part of the primary system of State highways of the Commonwealth of Kentucky, a road from a point on the Pikeville-Williamson Highway, State Route 82, near the mouth of Blackberry Fork of Pond Creek in Pike County, to a point on the State line between Kentucky and Virginia on Knox Creek in said county.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be established as a part of the primary road system of State Highways of the Commonwealth of Kentucky, a road beginning at a point on Kentucky Route 82, at the mouth of Blackberry Fork of Pond Creek in Pike County; thence up Blackberry Fork of Pond Creek across the mountain to Blackberry Creek; thence running up Blackberry Creek to the forks of said creek; thence up the left hand fork to the mouth of Sang Camp Branch; thence across the mountain to Calloway Creek and down Calloway Creek to the Road Fork of Peter Creek; thence down the Road Fork of Peter Creek to the forks of said creek; thence up Peter Creek to the Joe Preece Branch; thence up Joe Preece Branch crossing the mountain and down Turkey Creek to Knox Creek; thence up Knox Creek to the Virginia State line.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

By Senator Stephenson.

S. B. 286. An Act establishing as part of the primary system of State Highways a road beginning at a point on State Project No. — at the mouth of Turkey Creek in Pike County to a point on State Project 82 at or near the bridge at the mouth of road fork of Big Creek.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be established as a part of the primary

road system of State Highways of the Commonwealth of Kentucky, a road from a point on State Project No. — at the mouth of Turkey creek just below South Williamson in Pike County; thence up Turkey creek to and through the Turkey Gap and around the head of Long Branch of Big creek through the Sucky Gap; thence the most practical route to State Project 82 at or near the mouth of Road Fork of Big Creek.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly 1930 establishing and creating a primary system of State Highways.

By Senator Allie W. Young.

S. B. 287. An Act to amend and re-enact section one, chapter ninety, of the Acts of the General Assembly of nineteen twenty, as amended and re-enacted by chapter one hundred and thirteen, Acts of the General Assembly of 1926, entitled: "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and manner of payment thereof; providing for the registration and licensing of operators and motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this act, and repealing any and all conflicting laws."

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That section one of chapter ninety of the Acts of the General Assembly, approved March 23, 1920, as amended and

re-enacted by chapter one hundred and thirteen, Acts of the General Assembly of 1926, being now section 2739-G-1 of Carroll's Kentucky Statutes (1930 Edition), be amended by repealing said section one and inserting in lieu thereof the following section, so that when said section is amended and re-enacted, the same shall read as follows: (a) Definitions. Whenever and wherever the word "vehicle" is used in this act, it shall include all agencies for the transportation of persons or property over and upon the public highways of this Commonwealth of all vehicles passing over or upon said highways, excepting road rollers, and such vehicles as travel exclusively on rails, and whenever and wherever the word "automobile" is used, it shall include all vehicles that are propelled otherwise than by muscular power excepting road rollers, and such vehicles as travel exclusively on rails. (b) Whenever and wherever the word "Commission" is used herein, it shall mean the State Tax Commission, and whenever and wherever the word "clerk" is used herein, it shall mean clerk or clerks appointed by the State Tax Commission; that the State Tax Commission through a clerk or clerks appointed by it, shall administer the provisions of this law in the registration of motor vehicles, dealers and chauffeurs in all counties in the State. All fees directed to be collected by clerks in the administration of this law, shall be collected by the clerks appointed by the State Tax Commission and out of said fund the said State Tax Commission shall pay the cost incident to the administration of the law, and the surplus of said funds shall be paid into the State Treasury and placed to the credit of the State road fund. The fiscal court or county commissioners or other governing body of counties shall provide suitable equipped quarters in the county courthouse for the clerks appointed by the State Tax Commission for the administration of this law under the provisions of this act. (c) Whenever and wherever the word "chauffeur" is used herein, it shall mean a person whose business or occupation, in whole or in part, is the operation of an automobile for a compensation, wages or hire.

(d) Whenever and wherever the word "manufacturer" is used herein, it shall mean any individual, partnership, cor-

poration or company engaged in the business or occupation of manufacturing authomobiles, who will, under normal conditions during the year, manufacture or assemble as many as ten or more new automobiles.

(e) Whenever and wherever the word "dealer" is used herein, it shall mean any and all persons, partnerships, corporations, companies or agencies engaged in the business of purchasing, selling or distributing automobiles in this Commonwealth.

(f) Whenever and wherever the word "highway" is used herein, it shall mean any and all public highways, roads as passways, no matter of what type of construction, and all boulevards, parkways, streets and public alleys of any and all incorporated cities and towns and villages of this Commonwealth.

(g) Whenever and wherever the word "operator" is used herein, it shall mean the person in actual physical control of the guidance, starting and stopping of a vehicle.

(h) Whenever and wherever the words "sharp curve" are used herein, they shall mean a curve of not less than thirty degrees; and whenever and wherever the words "steep grade" are used herein they shall mean a grade of exceeding seven per cent.

(i) The words "unobstructed highway" when used herein shall mean a straight, level, first class road upon which no other vehicle is passing or attempting to pass, and upon which no other vehicle or pedestrian is approaching in the opposite direction, closer than three hundred yards.

By Senator Allie W. Young.

S. B. 288. An Act relating to Roads and Highways and establishing and creating a Road Project No. — extending from Lawton in Carter County to U. S. Road No. 60 at Hayes Crossing in Rowan County, as a State Primary road.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is established and created a Road Project No. "60½A" extending from Lawton in Carter County on the best and most direct route via Haldeman in Rowan County and connecting with U. S. Road No. 60 at Hayes Crossing in Rowan County.

§ 2. That said project thus established shall be a part of the primary road system of this Commonwealth and be entitled to all the benefits and subject to all laws now in existence or to be hereafter enacted in relation to the same.

By Senator Stewart.

S. B. 289. An Act to further regulate the practice of law.

To Committee on Judiciary.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the practice of law is any service, involving legal knowledge whether of representation, counsel, or advocacy, in or out of court, rendered in respect of the rights, duties, obligations, liabilities, or business relations of the one requesting the service.

§ 2. That any person who shall practice law in this State without being licensed and sworn as provided by the laws of the Commonwealth of Kentucky, shall be deemed guilty of a misdemeanor and fined not less than $25.00 nor more than $250.00.

§ 3. That if any attorney at law shall be employed to attend to any professional business and shall neglect to attend to the same, after he shall have been paid anything for his services, and his client shall, by such negligence, be damaged, or if such attorney shall attend to the business so unskillfully that his client shall be damaged, such attorney shall be liable to the party injured for all damages and costs he shall have sustained; and it shall be the duty of the attorney for the Commonwealth to institute and prosecute such suit.

§ 4. That all laws and parts of laws in conflict herewith are hereby repealed.

By Senator Hamilton.

S. B. 290. An Act for the establishment and maintenance at each of the State Hospitals for the Insane in the Commonwealth of Kentucky a training course for attendants, prescribing the studies to be required in said courses for attendants, fixing qualifications for said attendants, and for the employment of a supervisor of such training course and the qualifications required of each supervisor, and prescribing the duties of such supervisor and limiting the salary for such position.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That on or before September 1, 1932 the State Board of Charities and Corrections shall establish and maintain at each of the State Hospitals for the Insane in the State of Kentucky a prescribed course of training in psychiatric nursing for attendants.

The superintendent of each of the State Hospitals shall employ as supervisor for these training courses a nurse who is a graduate of one of the standard training schools for

nurses in psychiatry, and who also shall have had practical experience in nursing mental and nervous cases. The duty of such supervisor shall be to supervise and give instruction in the practical training courses for attendants. The salary of such supervisor shall not exceed one hundred and fifty dollars ($150.00) in addition to maintenance, that is, board, room and laundry.

The course of study for attendants shall include such studies as, nursing, mental and nervous cases, elementary nursing, psychiatry, and applied psychology, public sanitation, elementary dietetics, occupational therapy, history and ethics of nursing, personal hygiene, elementary principles of massage, recreational therapy, hospital etiquette and all such practical work as the superintendents of the State Hospital shall direct. The course of study and regulations shall be arranged and established by the superintendents of the State Hospitals, subject to the approval of the State Board of Charities and Correction.

Those who have completed these courses as established by this Act, or of other courses of study in nursing of equal standard, shall be given preference in appointments to positions as attendants, and the superintendents of the State Hospitals shall, as soon as practicable, eliminate untrained attendants from the service of the hospital.

All attendants at such State Hospitals shall be required to take said courses of study, and to continue the course of study prescribed, until they shall become proficient therein, and after they become proficient therein the supervisor shall have the right to excuse such attendants from further attendance on said study course, and to issue to those becoming proficient certificates of the satisfactory completion of said course.

The salaries of the supervisors and of the trained attendants and of the novitiate attendants shall be paid in the same manner and out of the funds appropriated for the payment of

the salaries of the officers and other employees of the State Hospitals for the Insane.

All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Hamilton.

S. B. 291. An Act relating to the employment of a zoning engineer in cities of the second class; authorizing the fiscal courts to employ said zoning engineer and fixing the amount of the compensation to be paid said zoning engineer.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties having therein cities of the second class the fiscal courts of said counties be and they are hereby authorized to employ a zoning engineer to perform any and all duties necessary to be performed by said zoning engineer in connection with the zoning law in effect in said cities of the second class.

§ 2. Said fiscal courts are hereby authorized to pay said zoning engineer for his services rendered not less than fifteen hundred dollars ($1,500.00) nor more than eighteen hundred dollars ($1,800.00) per annum, the amount of said salary to be fixed by the fiscal court.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in Order of Day.

Said titles to bills are as follows:

CALENDAR

February 1, 1932.

S. B. 200. An Act relating to schools and changing boundary line of Graded common school districts.

S. B. 113. An Act relating to juries and amending and re-enacting Section 2243, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 116. An Act to amend and re-enact sections 4645a-3 and 4645a-4, Carroll's Kentucky Statutes, 1930, Edition, relating to stenographic reporters in circuit courts not in continuous session and fixing and providing for the payment of the fees of said stenographic reporters in circuit courts not in continuous session.

S. B. 112. An Act relating to juries and amending and re-enacting sections 2249, 2251, and 2260, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 221. An Act to appropriate $12,500.00 for repairs of the executive mansion.

Senator Gates F. Young moved to recess until 2:30 P. M.

Said motion was agreed to.

It was ordered by the Lieutenant-Governor that the Senate march two and two to House Chamber where they would meet in Joint Session with the House of Representatives to

hear Honorable Albert C. Ritchie, Governor of the State of Maryland.

After hearing Governor Ritchie's address, the Joint Session dissolved.

The following members of the Joint Session answered to the roll call:

HOUSE

Frank B. Adcock
V. H. Baird
Levi Baker
A. J. Baldridge
H. Clay Baldwin
Marshall Barnes
W. R. Bastin
Fred Beshear
Dr. S. A. Blackburn
Joe F. Bosworth
Perry Roscoe Brown
Leer Buckley
James W. Chapman
Lee Clark
S. J. Collins
J. C. B. Conrad
Elmer Cook
Columbus Cooper
W. W. Cooper
D. Bernard Coughlin
O. M. Crewdson
Garland Cunningham
Luther Deaton
Tom Decker
Ed C. Dennington
James L. Dodge
Geo. R. Douglas
T. J. Dunn
William A. Eimer
Harry W. Ennis
Clarence E. Evans
Chas H. Fair
Leo Fentress
Dr. J. B. Floyd
E. M. Ford
Kelly J. Francis
L. B. Hamilton
Claude L. Hammons
L. B. Handley
Dr. E. C. Hardin
Dr. A. L. Hill
L. G. Horn
Luther House
T. M. Johnson
J. R. Johnson
Frank Lebus
Hugh Mahin
Chas. Marshall
Will McRohan
John H. McWaters
H. J. Meyers
G. M. Middleton
Joe Morgan
Tyler Munford
Dr. L. C. Nell
Tom C. Pettit
Steve Pieratt
C. H. Powers

Abram Renick
M. C. Roark
Dr. John B. Robards
J. C. Robinson
J. O. Scoggins
W. H. Sebastian
Chas. Sexton
G. W. Shadoan
Dr. B. F. Shields
J. H. Short
Bruce Sloan
Denny P. Smith
Dr. W. J. Smith
G. C. Springate
T. B. Staggs
G. B. Stamper
Earl R. Stephens
Raleigh L. Stevens
Homer Sullivan
Elmore J. Thomas
Jos A. Thompson
H. Speed Tye
C. A. VanLahr
J. D. Via
L. M. Weathers
G. W. Wigginton
V. T. Willis
Dr. B. F. Wright
R. Vernon Yandell
Mr. Speaker John Y. Brown
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SENATE

Jas. H. Bondurant
W. W. Booles
Edwin C. Dawson
Walter N. Flippin
Chas. G. Franklin
Perry B. Gaines
Arch Hamilton
J. S. W. Holloway
Robert Humphreys
Alex E. Johnson
L. C. Littrell
Frank I. Lloyd
Rev. C. D. McCaw
Wm. Mehler
E. C. Moore
Ray B. Moss
D. C. Naive
Marion F. Pogue
Dr. G. W. Ragan
O. M. Rogers
R. H. Royster
E. D. Stephenson
Joe Stewart
Thos. O. Turner
Fred C. VanHoose
F. M. White
Sewell B. Williams
W. A. Yates
Allie W. Young
Gates F. Young
—30

The Senate reconvened at 2:30 o'clock and proceeded with the regular order of business.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 13. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State

of Kentucky and known as "An Act relating to the Government of Cities of the second class of the Commonwealth of Kentucky," approved February 12, 1930.

Senator Rogers moved that said bill be recommitted to the Committee on Municipalities.

The question being taken thereon, was decided in the affirmative and

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 89. An Act amending Chapter 187, Section 3 of 1926, making it mandatory to pay pension to persons with permanent disability under the provision of said chapter.

Senator Rose moved that said bill be recommitted to the Committee on Public Health.

The question being taken thereon, was decided in the affirmative and

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 139. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

Senator Franklin moved that said bill be recommitted to the Committee on Banks and Trust Companies.

The question being taken thereon, was decided in the affirmative and

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 16. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the Government of cities of the second class of the Commonwealth of Kentucky," approved February 12, 1930.

Senator Rogers moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 20 of Chapter 91 of the 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the government of Cities of the Second Class of the Commonwealth of Kentucky," be amended and re-enacted so that the same, when amended and re-enacted, shall read as follows, to-wit:

"Section 20. The board of commissioners shall, upon written advice of the City Manager, create, by ordinance, such administrative departments as, in the judgment of the board, are reasonably required for the efficient, orderly and economic administration of the business affairs of the city; and may at any time create new departments, combine or abolish existing departments, except insofar as they relate to the police and fire departments of the city, or establish temporary departments; and may also prescribe by ordinance the functions of each department and provide for the appointment or employment of a director of such, or of one or more of such departments. Directors of departments shall be appointed by

the city manager and may be removed by him at any time; except that this provision shall in no way apply to members of the police or fire departments of said city. Any person employed in any department, may be removed at any time by the director of such department or by the city manager, subject to such civil service rules and regulations as may be deemed necessary for the efficient and non-political handling of city affairs; provided, however, that no member of the police or fire departments of the city may be removed or suspended except as hereinafter provided in this section.

The City Manager shall have full control over the police and fire department of the city, together with all the property and paraphernalia belonging thereto, and shall have the power to appoint a chief of police and all policemen, and chief of the fire department and all subordinates, and the board of commissioners are empowered to ordain and put into execution such by-laws, rules and regulations for the government of each of said departments as may be deemed expedient, and to prescribe the qualifications, duties and grade of the members and officers of each department.

The City Manager shall require all applicants for appointment as members of the police force or fire department to be examined as to their qualifications to fill the office of policemen or firemen, and as to their knowledge of the English language and as to the law and rules governing the duties of policemen or firemen. Each member of the police force or fire department shall be a qualified voter of the city in which he is appointed and be able to read and write and understand the English language, and to have such other qualifications as may be prescribed.

No person shall be appointed a member or officer of the police force or fire department unless he is well known to be a man of sobriety and integrity and has been or is an orderly, law abiding citizen, nor shall any person be appointed a member or officer of said force or fire department on account of any political partisan service rendered by him, or on account of political sentiment or affiliations, or who is over fifty years

of age, nor shall any officer or member of said force or fire department be removed or discharged or reduced in grade, or in pay, for any political partisan opinion. Their appointment and continuance upon the police force and fire department shall depend solely upon their ability and willingness to enforce the law, and comply with the rules of the police or fire department. No appointment to or continuance in any such position shall be as a reward for political activity, nor be obtained by political service or contribution to campaign funds, nor shall any member of said departments pay or collect any assessments made by political organizations, or contribute to political campaign funds or be unduly active in politics, or work for the election of candidates for office. The examination and qualifications provided for in this act shall not apply to the members of the police force or fire department at this time, who have been continuously in said service for a period of five years. Members of the police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of this act shall not prevent the board from decreasing the number of firemen and policemen as the said board may from time to time deem proper, and provided, further, that in the event the board decreases the number of firemen or policemen, the youngest members in point of service in said police or fire departments shall be the first to be reduced and returned to the eligible list of either police or fire departments, there to advance according to the rules and regulations of said departments.

No member or officer of the police force or fire department shall be removed from the force or fire department, reduced in grade, or pay, upon any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the commissioners. Any person may prefer charges against an officer or member of the police force or fire department, which must be filed in the office of the City Manager, who shall thereupon communicate said charges without delay to the Board of Commissioners. Said charges must be written, signed by the person making said charges, and must set out with clearness and distinctness each and

every charge. It shall also be the duty of the City Manager, whenever probable cause appears, to prefer charges against any member or officer of the police force or fire department, whom he believes to have been guilty of any conduct justifying his removal or punishment, in the interest of public order. The charges filed by the City Manager shall be written, and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues so presented. All charges against members or officers of the police force or fire department shall be forthwith filed by the City Manager with the clerk of said board, and within three days after said filing, the commissioners shall proceed to hear and examine said charges; provided two days before said hearing the officer or member of the police force or fire department accused has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused, may, however, in writing, waive the service of said charges, and demand trial within three days after said charges are filed with the clerk of said board. The board will have the power to summon and compel the attendance of witnesses at all hearings, or sittings, by said board upon subpoena, issued by the clerk of said board and served upon said witnesses by any officer authorized to serve subpoenas from any court of justice in the county, and said board shall have the power of a justice of the peace, to punish for contempt. The officer or member of the police force or fire department accused shall have the right to have subpoenaed in his behalf any witness he may desire, upon furnishing their names to the clerk of said board, and the action and decision of the board on said charges shall be reduced to writing and shall be entered in a book to be kept for that purpose, and the written charges filed in the matter shall be preserved and securely attached to the book containing the board's decision.

In cases where the City Manager has probable cause to believe that the officer or member of the police force or fire department has been guilty of any conduct justifying removal

or punishment he may suspend said officer or member from duty, or from both pay and duty, pending said trial, and said officer or member shall not be placed on duty, or allowed pay thereafter, until the charges are heard by the board. The board shall fix punishment against an officer or member of the police force or fire department found guilty of any charge under this statute by a reprimand or suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if the accused be an officer, or by combining any two or more of said punishments or by removal or dismissal from the service of any such officer or member of the force or fire department. No officer or member of the police force or fire department, except as provided in this act, shall be reprimanded, removed, suspended or dismissed from the police or fire department until written charges have been made or preferred against him, and a trial had as herein provided.

Any officer or member of the police force or fire department who shall be found guilty by the board of any charge, as hereinabove provided, shall have the right to appeal to the circuit court of the county in which said city may be located, provided the punishment be a suspension of more than 30 days, or a reducing the grade of an officer or a removal or dismissal from the police force or fire department, but the enforcement of the judgment of said board under such charges shall not be suspended pending said appeal. Upon the request of the party accused, the clerk of the board shall file in the circuit court, a certified copy of the charges made, and of the judgment or finding of the board, which transcript having been filed, the cause shall be docketed in the circuit court and tried de novo by the judge of said court. Should the clerk of said board fail to certify and transmit the transcript aforesaid to the circuit court within five days after the request is made for same, then the party aggrieved may file an affidavit in the said circuit court, setting out as fully as possible the charges made, the time of trial by said court, and the judgment of said board, together with the statements of the fact that demand for transcript had been made upon the clerk of

said board more than five days before the filing of said affidavit.

Upon the filing of said affidavit in the circuit court said cause shall be docketed in said court and the circuit court is hereby authorized to compel the filing of said transcript by said clerk, by entering the proper mandatory orders, and by fine and imprisonment, as in other cases of contempt. Such appeal shall have precedence over other business, and be taken up and determined speedily. An appeal will lie from the judgment of the circuit court to the court of appeals as in other cases, provided the punishment fixed by the board be suspension for more than sixty days, reducing the grade of an officer, removal or dismissal from the force.

The City Manager is expressly charged with the duty of having the chiefs and members of the police and fire departments faithfully discharge such duties as may be imposed by law or prescribed by ordinance.

The number of firemen, policemen, detectives and officers of the police and fire departments shall be such as the board of commissioners may from time to time, ordain; and the said board of commissioners shall by ordinance, fix the salaries of the officers and employees and provide for their payment, and of other expenses, of each of said departments.

§ 2. This Act shall in no manner affect, alter or change the provisions of Sections 3142-b3, 3142-b-4, 3142-b-5, 3142-b-6, 3142-b-7, 3142-b-8, 3142-b-9, 3142-b-10, 3142-b-11, 3142-b-12, 3142-b-13, 3142-b-14, 3142-b-15, 3142-b-16, 3142-b-17, 3142-b-18, and 3142-b-19 of the 1930 Edition of Carroll's Kentucky Statutes, as amended by Chapter 96 of the 1930 Acts of the General Assembly of Kentucky.

§ 3. Whereas, this Act is necessary to protect the existing rights of all of the police and firemen in cities of the second class in the State of Kentucky and to protect their rights in the pension funds which now exist, an emergency is hereby declared to exist and this Act shall take effect and be in full

force and effect from and after its passage and approval by the Governor.

§ 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	O. M. Rogers
W. W. Booles	Alex E. Johnson	J. M. Rose
H. M. Brock	L. C. Littrell	R. H. Royster
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	Sewell B. Williams
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Rogers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 52. An Act to amend Paragraph Eleven (11), Section 1938a, Chapter 57, and Paragraph Twenty-four (24), Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's 1930 Edition, relating to open season and bag limit on quail or bobwhite, and license to hunt, and providing for statement of game birds and animals killed, by adding thereto the language as hereinafter set out.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Paragraph 11, Section 1938a, Chapter 57, Kentucky Statutes, Carroll's Edition, 1930, relating to bag limit on quail or bobwhite, be amended by adding thereto at the end of the section as it now stands, the followng language:

"Provided that it shall be unlawful for any person to kill, catch, or have in possession after same have been caught or killed, in this State, a total exceeding in the aggregate seventy-five quail or bobwhite in any one year."

So that said paragraph and section, when amended and re-enacted, will read as follows:

Section 1938a. Paragraph 11. Quail or Bobwhite, Bag Limit. No person shall shoot, kill, or have in possession, more than twelve (12) quail or bobwhite in any one day, between the 15th day of November of any year and the 1st day of January of the succeeding year, both dates inclusive; provided, however, that any person having hunted two days in succession may have in possession a total of not to exceed twenty-four (24) quail or bobwhite killed by himself during such hunt; provided that it shall be unlawful for any person to kill, catch, or have in possession after same have been caught or

killed, in this state, a total exceeding in the aggregate seventy-five quail or bobwhite in any one year.

§ 2. That Paragraph 24, Section 1954c, Chapter 57a, Kentucky Statutes, Carroll's Edition, 1930, relating to license to hunt, be amended by adding thereto at the end of the section the following language:

"Provided, that before any license to hunt shall be issued under this section, the person applying for such license shall file with the clerk of the county court a statement, duly sworn to, showing the total number of game birds and animals killed, or captured in this State, by the applicant during the last preceding calendar year."

So that said paragraph and section when amended shall read as follows:

Section 1954c. Paragraph 24. Resident License—How Obtained. Any person who has been a bona fide resident of this State for one year then past, may procure a hunter's license for himself or herself by filing his or her affidavit with the county clerk of the county in which he or she resides, stating his or her age, place of residence, post office address, height, color, color of his or her eyes and hair, and the fact whether he or she can write his or her name, and by paying to the said county clerk the sum of one dollar ($1.00), which license shall entitle him or her to hunt in all counties of this State, but nothing herein contained shall be construed as repealing the present law requiring every hunter to obtain the written permission of the landowner to hunt on his premises; provided, that before any license to hunt shall be issued under this section, the person applying for such license shall file with the clerk of the county court a statement, duly sworn to, showing the total number of game birds and animals killed or captured in this State, by the applicant during the last preceding calendar year.

§3. This act shall take effect and be in force according

to the provisions of the Constitution, and all acts or parts of acts in conflict herewith are hereby repealed.

Senator Jacobs proposed the following amendment to said bill:

Amend Senate Bill No. 52 by striking from the printed bill beginning with the word "provided" in line 22, the remainder of said line and also lines 23, 24, 25 and 26.

Senator Jacobs moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator McCormick moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Chas. G. Franklin	Silas Jacobs
W. W. Booles	Perry B. Gaines	Alex E. Johnson
Edwin C. Dawson	Arch Hamilton	L. C. Littrell
Thos. C. Ferguson	J. S. W. Holloway	C.T.McCormick,Sr.

E. C. Moore	J. M. Rose	Fred C. VanHoose
Ray B. Moss	R. H. Royster	Sewell B. Williams
D. C. Naive	E. D. Stephenson	W. A. Yates
Marion F. Pogue	Joe Stewart	Allie W. Young
Dr. G. W. Ragan	Thos. O. Turner	Gates F. Young
O. M. Rogers		—28

Those who voted in the negative were:

H. M. Brock	Frank I. Lloyd	Wm. Mehler
Dr. T. J. Edge	Rev. C. D. McCaw	F. M. White
Walter N. Flippin		—7

Resolved that the title thereof be as aforesaid.

Senator McCormick moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 38. An Act to amend and re-enact Section Seven Hundred and Forty-five (745) of the Civil Code of Practice.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 745 of the Civil Code of Practice be and it is hereby amended and re-enacted and as amended and re-enacted shall read as follows: An appeal shall not be granted except within six months next after the right to an appeal first accrued, unless the party applying therefor was then a defendant in the action, and an infant not under coverature; or of unsound mind; or a prisoner who did not appear by his attorney, in which case an appeal will be granted to

such parties, or their representatives, within one year next after their death or the removal of their disabilities, which ever may first happen.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	L. C. Littrell	J. M. Rose
W. W. Booles	Frank I. Lloyd	R. H. Royster
H. M. Brock	Rev. C. D. McCaw	E. D. Stephenson
Edwin C. Dawson	C.T.McCormick,Sr.	Joe Stewart
Dr. T. J. Edge	Wm. Mehler	Thos. O. Turner
Thos. C. Ferguson	E. C. Moore	Fred C. VanHoose
Walter N. Flippin	Ray B. Moss	F. M. White
Chas. G. Franklin	D. C. Naive	Sewell B. Williams
Perry B. Gaines	Marion F. Pogue	W. A. Yates
J. S. W. Holloway	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Alex E. Johnson		—34

Resolved that the title thereof be as aforesaid.

Senator Stephenson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 171. An Act to repeal, amend and re-enact Sub-section 17 of Section 165a, Kentucky Statutes, Carroll's 1930 Edition, relating to the State Banking Department.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section 17 of Section 165a of the Kentucky Statutes, Carroll's 1930 Edition, relating to the State Banking Department, be and the same is hereby repealed, amended and re-enacted so as to read as follows:

"165a-17. Insolvent Bank; Powers and Duty of Commissioner in Respect to; Assets, How Applied—The banking commissioner may, under his hand and official seal, appoint one or more special deputy banking commissioners, as agent or agents, to assist him in the duty of liquidating and distributing the assets of any insolvent bank, the certificates of appointment to be filed in the office of the banking commissioner, and a certified copy in the office of the clerk of the circuit court in the county in which the office of such insolvent bank is located.

The banking commissioner may, from time to time, authorize a special deputy commissioner to perform such duties connected with the liquidation and distribution, as the banking commissioner may deem proper. The banking commissioner may employ such counsel, and procure such expert

assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank and may retain such officers and employees of such bank as he may deem necessary. He shall require from a special deputy commissioner such surety for the faithful discharge of his duties as he may deem proper; provided, however, it shall not be for a less sum than one-half the assets of the bank.

Whenever, under the provisions of this act, the banking commissioner, in person or by a deputy or by a state bank examiner, shall take charge of any bank, or the court shall appoint a receiver as in this act provided, such person shall be allowed for his services not exceeding the sum of two dollars per hour for not exceeding ten hours per day for the time actually engaged by him in labor in the liquidation of the bank. If such person be a special deputy, appointed by the commissioner, or a receiver, appointed by the court, such allowance shall be paid to him as his compensation, and if such person shall be the banking commissioner or his deputy or a state bank examiner, the amount so allowed as compensation shall be paid into the state treasury and the commissioner shall fix the compensation of the counsel and any special assistants subject to review by the court, and all such expenses shall be paid out of the bank so liquidated.

Whenever the banking commissioner in person, or by deputy or by the State bank examiner, shall take charge of any bank under the provisions of this act, he shall, within thirty days thereafter, file in the office of the clerk of the circuit court of the county in which the bank is located, a detailed statement in the form prescribed in Section 165a-10 of this act, of the assets and liabilities of such bank, and thereafter upon the first day of the term of each succeeding session of the circuit court of such county, and every sixty days in counties having circuit courts of continuous sessions, he shall file a report of his acts and doings in the administration of such bank since his last report; any person, firm, or corporation may, by petition addressed to the circuit court, have any act of such commissioner reviewed by the court, in the same manner and with the same rights and

powers as would have attached had such commissioner been a receiver appointed by the court.

The banking commissioner shall cause notice to be given by advertisement in such newspapers as such bank's semi-annual reports are published, weekly for three consecutive months, calling on all persons who may have claims against such insolvent bank to present the same to the banking commissioner, and make legal proof thereof, at a place and within a time not more than six months after the last date of publication, to be therein specified. He shall mail a copy of such notice to all persons whose names appear as creditors upon the books of such bank. If the commissioner doubts the justice and validity of any claims, he may reject the same and serve written notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the banking commissioner. An Action upon a claim so rejected must be brought within six months after such notice. Claims presented after the notification of the time fixed in the notice to creditors, shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the banking commissioner, equitably applicable thereto.

All money of any bank in liquidation that may be collected or received by the banking commissioner, any deputy or special deputy in charge thereof, shall, as soon after same shall have been collected or received, as is reasonably practicable, be deposited in a bank or banks in this State, to be selected by the commissioner or deputy in charge, and same will be deposited to his credit as the agent of the bank in liquidation, giving the name of the bank, and said deposits when so made shall become a trust fund in favor of the bank in liquidation, to be paid out or withdrawn only upon the written order of the agent so depositing same, or his duly appointed and qualified successor. In the event any bank or banks, in which the deposits above provided for have been made, shall be or become insolvent, or for any reason go into liquidation, the unpaid balance of said account shall be a preferred claim

against the assets of said bank or banks and be paid accordingly.

The assets of any bank in liquidation under this act shall be applied (a) to the payments of costs and charges of liquidation, and preferred claims; (b) to satisfaction of secured claims to the extent of such security; (c) to the satisfaction of all other debts, including unsatisfied balances of secured claims, ratably and without preference to the amount allowed at the time of distribution, and (d) the residue, after all liabilities are paid, shall be distributed for the benefit of the stockholders ratably, or may, on their request, be turned over to them or their agent for settlement.

Senator Rogers proposed the following amendment to said bill:

Amend Senate Bill 171 in the Senate by adding thereto of the printed bill as line 91 the following:

"It is hereby declared that an emergency exists and this act shall take effect immediately upon its passage and approval by the Governor."

Senator Rogers moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Rogers moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Alex E. Johnson	O. M. Rogers
W. W. Booles	L. C. Littrell	J. M. Rose
H. M. Brock	Frank I. Lloyd	R. H. Royster
Edwin C. Dawson	Rev. C. D. McCaw	E. D. Stephenson
Dr. T. J. Edge	C.T.McCormick,Sr.	Joe Stewart
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	Sewell B. Williams
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young
Silas Jacobs		—34

The Committee proposed the following amendment to the title of said bill:

Amend Senate Bill 171 by adding to the title thereof after the word "Department" the following: "And declaring an emergency to exist."

Senator Rogers moved that said amendment to the title be adopted.

The question being taken thereon, was decided in the affirmative and

Said title was amended.

Resolved that the title thereof be as amended.

Senator Rogers moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled.

S. B. 134. An Act to amend Section 2132 of Carroll's Kentucky Statutes, relating to the interest that a surviving husband or wife shall have in the real and personal estate left by the deceased spouse.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2132 of Carroll's Kentucky Statutes be amended so as to read as follows: After the death of either the husband or wife the survivor shall have an absolute estate in fee simple in one-half of the real estate and personal property left by such descendent.

Senator Royster moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	J. S. W. Holloway	O. M. Rogers
W. W. Booles	Robert Humphreys	J. M. Rose
H. M. Brock	Silas Jacobs	E. D. Stephenson
Edwin C. Dawson	Alex E. Johnson	Joe Stewart
Dr. T. J. Edge	L. C. Littrell	Thos. O. Turner
Thos. C. Ferguson	Frank I. Lloyd	F. M. White
Walter N. Flippin	Rev. C. D. McCaw	Sewell B. Williams
Chas. G. Franklin	E. C. Moore	W. A. Yates
Perry B. Gaines	D. C. Naive	Allie W. Young
Arch Hamilton	Marion F. Pogue	—29

Those who voted in the negative were:

C.T.McCormick,Sr.	Ray B. Moss	R. H. Royster
Wm. Mehler	Dr. G. W. Ragan	—5

Therefore said bill was rejected.

Senator Allie W. Young moved that the vote by which said bill was lost be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 67. An Act to amend an act entitled "An Act to provide for the distraining for graded common school taxes in graded common school districts other than those in cities of the first, second, third or fourth class," being Chapter 59 of the Acts of the General Assembly of 1928, approved March 17, 1928, and to provide additional remedies for the collection of school taxes in said graded common school districts.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An Act to provide for the dis-

training for graded common school taxes in graded common school districts, other than those in cities of the first, second, third or fourth class," being Chapter 59 of the Act of the General Assembly of 1928, approved March 17, 1928, be, and the same is hereby amended, so that when amended and re-enacted, it shall read as follows:

That in all graded common school districts other than those in cities of the first, second, third or fourth class, the tax collector of the graded common school taxes therein, shall have the power and it shall be his duties, after said taxes become delinquent to distrain sufficient personal property of each taxpayer of the said district, who has not paid his graded common school taxes, due the said district from the said taxpayer. Said officers shall sell for cash the property so distrained, or so much thereof, as may be necessary to satisfy the said taxes, for which said distraint was made and cost of advertising said sale in the same manner as property is sold under execution. That in addition to said remedy and the remedies now provided by law, all taxes levied and assessed for said graded common school purposes, together with any percentage imposed for delinquency and the cost of collection, shall constitute a lien on the property, or real estate, so assessed and said graded common school districts, shall have the right and power to enforce said lien by a suit in any court having jurisdiction thereof to foreclose such liens.

§ 2. Whereas, there is no adequate remedy for collecting taxes in said graded common school districts, an emergency is declared to exist and this act shall take effect and be in full force and effect, from and after its passage and approval.

Senator Rogers moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were:

Jas. H. Bondurant	Alex E. Johnson	J. M. Rose
W. W. Booles	L. C. Littrell	R. H. Royster
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McCaw	Joe Stewart
Dr. T. J. Edge	C.T.McCormick,Sr.	Thos. O. Turner
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	E. C. Moore	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	W. A. Yates
J. S. W. Holloway	Dr. G. W. Ragan	Allie W. Young
Robert Humphreys	O. M. Rogers	Gates F. Young
Silas Jacobs		—34

Resolved that the title thereof be as aforesaid.

Senator Rogers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 166. An Act to repeal, amend and re-enact Section 4465A, Carroll's Edition, Kentucky Statute, and further providing the manner of election of trustees in graded school districts.

Senator Rose moved that said bill be recommitted to the Committee on Education with leave to report at any time.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

The following amendments were offered:

By Senator Moore:

Amend Senate Bill No. 46 by striking out the words "is hereby authorized and it is hereby made its duty to make and" in lines 6 and 7, and insert in lieu thereof the word "may." Also by striking out the words "it shall be the duty of" in line 15. Also by inserting the word "may" in line 17 between the words "Hospital" and "on." Also by striking out the words "shall be the duty of the Fiscal Court" in lines 27 and 28 and insert in lieu thereof the word "may." Also by striking out the words "and demanded" in line 32.

By Senator Allie W. Young.

Amend by adding after line 37 the following: No county adjoining said county in which a community hospital is located shall be required to contribute to the funds provided for herein, until said question has been submitted to the voters of said county and a majority of said voters have declared for said appropriation.

By Senator Jacobs.

Amend Senate Bill 46 by striking from the printed form in lines 6 and 7 the words "it is hereby made its duty to enter into a contract." Also amend said bill by striking therefrom in the printed form lines 15 to 37 inclusive.

Senator Yates moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 145. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of dentistry in the State of Kentucky; passed March, 1912.

The following committee amendment was offered:

Amend Senate Bill 145 by striking out in Section 9, line 214, of the printed bill three dollars ($3.00) and inserting in lieu thereof the words one dollar ($1.00).

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works; and further providing for definition of terms used, enforcement of and penalty for violation of this Act.

Senator Mehler proposed the following amendment to said bill:

Amend by striking out the words, "and/or unless otherwise provided by law," in line three, page one, and insert in lieu thereof the words, "by the provisions of this Act."

Amend by inserting in line sixteen, page three, between the words "is" and "being," the words "to be or is."

Amend by striking out the word "of" in line three, on page four, following the word "citizen," and adding in lieu thereof the words, "Domiciled Within."

Amend Section 1, paragraph b, following the words "shall a," the following words shall be stricken out, "stipulation that no laborer or mechanic in the employ of the contractor, sub-contractor or other person, firm or corporation doing or contracting to do the whole or a part of the work contemplated in the contract," inserting in lieu thereof the words, "provision stating the prevailing rate of wages which shall be paid to all laborers and mechanics to be employed by the contractor or other person, firm or corporation doing or contracting to do the whole or a part of the work contemplated by the contract and a provision stating that no laborer or mechanic."

Amend Paragraph c by adding the words, "shall be stated in the advertised specifications or proposal forms and," following the words, "in connection therewith," and by adding at the end of the sentence following the words, "wages herein provided," the following sentence, "should the contractor be ordered by the chief officer (as defined in Section 3 here) to increase or decrease wage rates from those originally provided in the contract, his compensation shall be adjusted in the same amount as his expenditures for wages will be effected by such change."

Senator Mehler moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 57. An Act to repeal and re-enact Section 2290b, Carroll's Kentucky Statutes, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8) hours shall constitute a day by laborers and mechanics employed on all public works in this Commonwealth. And providing for the enforcement of and penalties for violation thereof.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 111. An Act to amend and re-enact Sections 280 and 281 of Chapter 8 of the Criminal Code of Practice relating to bills of exceptions.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 107. An Act relating to jailers and providing for the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the sheriff of the county, and providing for compensation for the sheriff for performing his duties as jailer of each county of the

Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

Senator Stephenson proposed the following amendment to said bill:

Amend Senate Bill No. 107 by adding after line 11 of Section 4 thereof the following:

Section 5. The provisions of this Act shall not apply to counties with seventy-five thousand population and over. Amend Senate Bill No. 107, and line 1 of Section 5 thereof by striking out the figure 5 and substituting in lieu thereof the figure 6. Amend Senate Bill No. 107, and line 1 of Section 6 by striking out the figure 6 and substituting in lieu thereof the figure 7.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 132. An Act to amend Section 564, Subsection 2, Kentucky Statutes, Carroll's Edition, 1915, relating to corporations.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 63. An Act to repeal Sections 6, 7, 8, 9, 10, and 26 of Chapter 92, page 477 of the Acts of the General Assembly of 1914, being a portion of the Act providing for the Commission Form of Government for cities of the third class, and the sections repealed by this Act are now Sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof that the mayor, commissioners, police judge and prosecuting attorney of the police court of cities of the third class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

Senator Williams moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 58. An Act amending Section three thousand five hundred forty-five (3545) of Carroll's Kentucky Statutes, 1930 Edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said Section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond, and providing for his compensation, and authorizing the city council of cities of the fourth class to impose upon the city treasurer or the clerk of the council the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes.

Senator Turner proposed the following amendment to said bill:

Amend Senate Bill 58, page 2, line 7 of printed bill by striking out the word shall, after council, and substituting therefor the word may.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. R. 2. A Resolution for the relief of C. M. Green, for mileage and expenses by him as agent for the Commonwealth of Kentucky.

Senator White moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 177. An Act amending Section 4426b-1, Kentucky Statutes, Carroll's 1930 Edition, being Section 1 of Chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees.

Senator Bondurant moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 170. An Act defining school districts; setting out powers and duties of boards of education therein; indicating procedure relating to the organization, control and operation of the common schools therein; providing for the general welfare of the public schools of the Commonwealth; providing for a uniform census every three years; exempting school

pupils from toll on roads, bridges and ferries; repealing various scattering provisions of old law relating to division boards of education and other provisions convered by this Act or not consistent with it, as follows: Sections 4426-1, 4426a-1, 4426a-2, Kentucky Statutes, Carroll's 1930 Edition, Sections 79, 82, 85, and 86 of Chapter 24, Acts of 1916; Section 3, Chapter 82, Acts of 1926; Section 87, Chapter 24, Acts of 1916 as amended by Section 3, Chapter 138, Acts of 1918; Section 88, Chapter 24, Acts of 1916; Sections 4404, 4449, 4434a-3, 3476a, 3587a-26, 3235a-38, 2978a-35, 4523, 4369, 4473, 4474, 4526b-2, 4526b-3, 4407, 4440a and 4445, Kentucky Statutes, Carroll's 1930 Edition; Section 1, Chapter 37, Acts of 1922. Sections 57 and 118, Chapter 24, Acts of 1916, Chapter 80, Acts of 1926; Sections 58, 59, 60, 62, 93, 100, 101, 102, 105, 106, 107, 112, Chapter 37, Acts of 1922; Section 3, Chapter 139, Acts of 1918, Section 3587a-18, Kentucky Statutes, Carroll's 1930 Edition; Section 14, Chapter 36, Acts of 1920; and Sections 126, 127, 204, 205, and 208 of Chapter 24, Acts of 1916, Sections 4448 and 4519, Kentucky Statutes, Carroll's 1930 Edition; and Chapter 6, Acts of 1920.

Senator Rogers proposed the following amendment to said bill:

Amend Senate Bill No. 170 by striking therefrom on page 1, the following expression: "exempting school pupils from toll on roads, bridges and ferries," and "Section 1, Chapter 37, Acts of 1922," and on page 2, "Sections 2 and 3, Chapter 37, Acts of 1922." Also by striking from lines 15, 16 and 17, page 3, the following sentence: "Children so transported and other pupils going to and from these schools shall have toll-free passage over roads, bridges and ferries."

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Then Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 21. An Act to re-enact and amend Chapter 35, Section 5 of the Acts of the General Assembly of 1930, requiring publishers and their agents to sell textbooks to dealers on a consignment basis.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 23. An Act to repeal and re-enact Section 4399a, Subsection 10 of Baldwin's 1928 Supplement of Carroll's 1922 Edition Kentucky Statutes, relating to public schools, and being Section 10 of an Act entitled, "An Act creating a county board of education, prescribing its duties, fixing the tenure of offiice and compensation of its members, providing for the election of a county superintendent by said board; fixing his qualifications, compensation and term of office; and prescribing his duties and fixing his bond; providing for the election of an attendance officer by the county board of education; providing for levy of tax for common school purposes in each county; prescribing the duties of the county tax commissioner, the county court clerk, and with reference to the assessment of the property subject to said tax and prescribing the duties of the county board of education and the fiscal court levying said tax and prescribing the duties of the sheriff in collecting said taxes and making his settlement to the fiscal court; providing the manner of paying his commission for collecting same; prescribing the duties of the fiscal court with reference to making settlement with the sheriff for said tax; providing for the employment of teachers; providing for the appointment of district trustees and prescribing their duties."

Senator Jacobs moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 17. An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending Sections 929 and 934 of Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 153 of the Acts of 1920, Session of the General Assembly of the Commonwealth of Kentucky, 935, and 1838, Kentucky Statutes, 1930, Carroll's Edition; and repealing Section 938, Kentucky Statutes, 1930, Carroll's Edition, and Section 1840a, Kentucky Statutes, 1930 Carroll's Edition, as amended by Section 1 of Chapter 67 of Acts of 1916, Session of General Assembly of Commonwealth of Kentucky; providing for the compensation of county treasurer, and the designating by the fiscal court of depositories for county funds and the fixing of interest rates to be charged by the county; and providing for penalties for the violation of any of the provisions of the Act.

Senator Stephenson proposed the following amendment to said bill:

Amend Senate Bill No. 17 by adding at the end of line 19 of the printed bill, Section 17, the following:

Provided, that the county treasurer shall not make county warrants interest bearing and negotiable in the aggregate as to any budget fund in excess of ninety per cent of the amount of any budget fund of the county. Any county warrant made interest bearing and negotiable by filling in the blanks as provided in this section by the county treasurer in excess of which said interest bearing warrant or warrants

are payable shall be null and void as to the county, and the county treasurer shall be liable for the excess on his official bond.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of three hundred dollars or less, providing for the administration of this Act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the banking commissioner under this Act, and repealing so much of Section 4224a, Carroll's Kentucky Statutes, 1930, as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes, 1930, and repealing all Acts and parts of Acts in conflict with the provisions of this Act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

S. B. 48. An Act authorizing, empowering and directing the Governor to cause and audit, study and survey of all the departments, institutions, boards, commissions and agencies of the Commonwealth; empowering him to employ auditors, accountants, clerks, bookkeepers, attorneys and all other persons necessary to make said audit, study and survey, defining the scope or character of same, and appropriating the sum of one hundred and fifty thousand dollars ($150,000.00) to be used by the Governor in carrying out the purpose of the Act.

S. B. 174. An Act to repeal Sections 2, 3, 4, 5, 6 and 7 of Chapter 156 of Acts of the General Assembly of 1930 and Chapter 159 of the Acts of the General Assembly of 1930, and enacting in lieu thereof an Act creating a commission of nine members each to serve four years, to be appointed by the Governor, and confirmed by the Senate, to be known as "The State Highway Commission of Kentucky;" providing for the qualifications, terms of office and appointment of its personnel; defining its powers and duties, both general and particular; providing for the compensation and expenses thereof, including the salaries, compensation and expenses of its officers and employees; dividing the Commonwealth into road districts and describing the same; defining the duties of the Attorney General and of the County Attorneys in relation thereto; accepting the provisions of the Statutes of the United States, now or which may hereafter be enacted in aid of the State in the construction and maintenance of rural post roads and other purposes; vesting in said commission the power to appropriate from the State Road Fund such sums as may be necessary to co-operate with the United States under any Federal Statute which is now or which may hereafter be enacted, and authorizing the State Treasurer to receive such money as may be paid to the Commonwealth of Kentucky by the United States in aid of the construction and maintenance of roads within this Commonwealth; and declaring an emergency to exist.

Lieutenant-Governor Albert B. Chandler appointed the following special committee to consider and report on Senate Bills 125 and 126. Said committee is:

Senator E. D. Stephenson, Senator Allie W. Young and Senator Arch L. Hamilton.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 245. An Act to create and establish the Banking and Securities Department of Kentucky; to provide for the appointment of officers and employees thereof; to designate the chief officer thereof as the Banking and Securities Commissioner; to provide for the rights, duties and privileges of such officers and employees, to fix their salaries, and to provide for examination of all financial institutions organized and doing business under the laws of this Commonwealth; to prevent fraud, deceit, or imposition in the sale or disposition of contracts, stocks, bonds, or written evidence of debt, certificates showing present or future interest in any property or business enterprise or venture, or other securities sold or offered for sale within the Commonwealth of Kentucky by any person, persons, partnership, company, association, trust or corporation, foreign or domestic; authorizing the inspection of and such regulation and supervision of the business of any person, persons, firms, partnerships, companies, associations, trusts or corporations engaged in the business or any part thereof described in this Act as may be necessary to prevent fraud, deceit, or imposition in the sale or offering for sale within this Commonwealth of any contract, stocks, bonds, written evidence of debt, or of certificates showing present or future interest in any property, business enterprise or venture, or other securities mentioned in this Act; providing penalties for a violation of this Act; and repealing certain statutes and all laws in conflict herewith.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Banking Division.

§ 1. That there is hereby established a department to be

designated as the Banking and Securities Department of Kentucky, which shall be charged with the enforcement of all laws heretofore passed, or which may hereafter be passed, relating to banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of making mortgage loans on real estate, and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds or its own obligation secured by such notes or bonds and combined banks and trust companies organized in doing business under the laws of the Commonwealth of Kentucky. Unless otherwise stated, the words "bank" or "banks" herein used shall include all banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of making mortgage loans on real estate, and the selling and offering for sale to the public the evidences of such loans whether notes or bonds or its own obligations secured by such notes or bonds and combined banks and trust companies; and shall further be charged with the enforcement of all laws heretofore passed or which may hereafter be passed relating to the Kentucky Securities Department which are contained in Sections 883e-1 to 883e-36, Carroll's Kentucky Statutes, 1930 Edition, and all the duties and powers, set forth in the above named sections of the statute, are hereby imposed upon said department, as well as the duties herein.

§ 2. The chief officer of this department shall be designated as the "Banking and Securities Commissioner" of the Commonwealth of Kentucky. The Governor of Kentucky shall appoint during the month of June, 1912, and every four years thereafter a banking and securities commissioner under this act, whose term of office shall begin the first day of July succeeding his appointment, and he shall hold office for the term of four years and until his successor is appointed and qualified. The banking and securities commissioner shall perform the duties hereinafter described. He may adopt such regulations and forms as may be necessary and proper under this act. He shall keep his office, which shall be provided and furnished by the Commonwealth at the seat of government, and shall receive for his services the sum of three thousand

and six hundred dollars ($3600.00) per annum, payable monthly out of the State Treasury. The banking and securities commissioner and his deputies shall be allowed their necessary traveling and other expenses of conducting the office, payable on properly itemized and verified accounts filed with and approved by the auditor of the State of Kentucky.

§ 3. The banking and securities commissioner may employ competent clerks and stenographers and fix their compensation to be payable monthly out of the State treasury, in the same manner as other officers of this department are paid, and as is hereafter provided by Section 51 hereof.

§ 4. All reports now required to be made by banks to the banking department as it now exists shall be made to the banking and securities commissioner, and the powers and duties now imposed by law upon the banking department or the banking commissioner with reference to all banks shall terminate, and said duties are hereby imposed upon the banking and securities commissioner and his department, as provided under this act.

§ 5. The governor of the Commonwealth shall appoint two deputy banking and securities commissioners, whose terms of office shall be for four years. Said deputies shall be authorized to perform any and all duties imposed upon the banking and securities commissioner under his direction, and shall act as commissioner in his, the banking and securities commissioner's, absence, or his inability to act. The appointment of such deputies shall be at the time as that of the banking and securities commissioner, except in case of a vacancy, when such shall be filled for the unexpired four years term by the governor. One of said deputy banking and securities commissioners shall have charge of the security division of the department created herein. The deputy banking and securities commissioners shall each be paid an annual salary of three thousand dollars ($3000.00) in equal monthly installments out of funds in the treasury to the credit of the banking and securities department, and shall also be allowed necessary traveling and hotel expenses, when claim for such be made as

required by law and approved by the banking and securities commissioner.

§ 6. The governor of the Commonwealth shall appoint at least eight suitable and competent persons as State bank examiners for a period of four years from date of appointment. The appointments to fill vacancies shall be made by the governor and for the unexpired term only. Such appointments as made by the governor shall be made with and by the consent of the banking and securities commissioner. Each State bank examiner shall receive a salary of two thousand, four hundred dollars ($2400.00), payable out of the treasury from the funds placed to the credit of the banking and securities department in monthly installments, and such examiners shall be paid their necessary traveling and hotel expenses on properly itemized and verified accounts rendered to and approved by the banking and securities commissioner and on presentation to the auditor of public accounts; the bank examiners are authorized and empowered to examine building and loan associations and any and all institutions coming under the supervision of the banking branch of the banking and securities department, and the building and loan clerk and examiners are authorized and empowered to examine banks and all other institutions coming under the supervision of this department.

§ 7. No banking and securities commissioner, deputy commissioner, or State bank examiner, shall be or become indebted directly or indirectly either as borrower, endorser, surety, or guarantor, to any bank under his supervision or subject to his examination; nor shall he be a director, officer, or employee in any such bank, but no person shall be appointed to examine the affairs of any bank or trust company in any county in which he holds stock in either a State or national bank; if any officer becomes so indebted to or so interested in any such bank or shall engage or become interested in the sale of securities as a business or in the negotiation of loans for others, his office shall ipso facto become vacant. The cashier or president of any bank to which any of said officers shall become indebted shall make immediate report thereof to

the governor, who shall remove the officer so offending. Every banking and securities commissioner, deputy commissioner, and State banking examiner, shall be a resident and citizen of the Commonwealth of Kentucky, shall be a practical bookkeeper and accountant and shall have had not less than four years actual experience as officer or clerk in a banking or trust company and shall take the oath required of officers by the constitution and the laws of this Commonwealth for the faithful performance of his duties. They shall severally execute bond with good surety, to be approved by the auditor, for the faithful performance of their duties.

The bond of the banking and securities commissioner shall be in the penal sum of

The bonds of the deputy banking and securities commissioners shall be in the penal sum of

The bond of each bank examiner shall be in the penal sum of

All bonds so required to be executed shall be filed as a part of the public records in the office of the secretary of State. The cost of all bonds required to be given under this section shall be borne and paid by the State in the same manner as other expenses of the department.

§ 8. Every bank organized and doing business under the laws of this State shall be subject to the inspection of the banking and securities commissioner. Such commissioner shall personally or by the deputy banking and securities commissioner or a State bank examiner visit each bank and examine the cash, bills, collateral, securities, other assets, books of accounts, and all other papers and books of such bank. On such examination, inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the actions of its directors; the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its

charter and of the laws of this State have been complied with in the administration of its affairs, and as to such other matters as the commissioner may deem necessary. Such examination shall be made of every bank at least once every year, but not to exceed twice in any one year, unless it shall appear from examination or from the report or reports of a bank that such bank has failed to comply with all the laws relating to banks, or a regulation of the banking and securities department of Kentucky.

The banking and securities commissioner, deputy banking and securities commissioner, and every State bank examiner shall have the power to administer an oath to any person whose testimony may be required in the examination of any bank; and to compel the appearance of any such person for the purpose of such examination, which shall be made in the presence of one or more of the officers of the corporation being examined. No notice of the intended examination shall be given to the bank to be examined until the examining officer is prepared to proceed immediately with the examination. No officer or employee of the banking and securities department nor the examiner conducting any examination shall impart any information obtained by him during such examination, except so far as may be necessary in the performance of his official duty as provided by law. Provided, that any bank or trust company or combined bank and trust company which shall become a member of a federal reserve bank created and organized under the act of congress known as the federal reserve act, shall be subject to the examination required under the term of the said federal reserve act, and the banking and securities commissioner may, in his discretion, accept examinations made by the federal reserve authorities in lieu of examinations made under the laws of this Commonwealth; and the banking commissioner is further authorized and directed to furnish to the federal reserve agent of the district in which such member bank may be situated, copies of reports and examinations made of such member bank.

§ 9. For the report of a bank, trust company, or combined bank and trust company, a filing fee of one dollar

($1.00) shall be paid by such institution to the banking and securities commissioner.

For each examination as is now or may hereafter be provided for by law, the institution examined shall pay to the banking and securities commissioner the following fees, to-wit:

On each bank, trust company or combined bank and trust company having assets of not more than $300,000 a flat fee of $25; institutions having assets of $300,000 and not more than $600,000 a flat fee of $30.00; on each institution having assets of $600,000 and not more than $1,000,000 a flat fee of $40.00; on each institution having assets of $1,000,000 and not more than $2,000,000 a flat fee of $60.00; on each of said institutions having assets of $2,000,000 and not more than $4,000,000 a flat fee of $100; and on each of said institutions having assets of $4,000,000 or more a flat fee of $200.00.

§ 10. In addition to the flat fees as fixed in the foregoing schedule, each of said institutions shall also pay for each examination a charge of three cents (3c) on each $1,000.00 of assets or fractional part of $1,000.00 of assets, excluding bonds, mortgages, and purchase lien notes deposited as security for bonds issued, in the hands of trustees, and all assets held by any institution in a fiduciary capacity.

All moneys collected by the banking and securities commissioner for such examinations, or otherwise, shall be paid as collected into the State treasury, and then credited to an account of the banking and securities department.

§ 11. Every bank, trust company, combined bank and trust company, and any other institution coming within the purview of the banking and securities department laws, whenever required by the banking and securities commissioner, but not to exceed five times in any year, unless for cause the commissioner deem reports necessary to gain complete information, shall make a report in writing to him, verified by the oath of its president or vice-president and its secretary or cashier,

or two principal officers. Such reports shall show the actual condition of the bank making the report at the close of business on any date designated by the commissioner and shall specify the following:

(1) The amount of its capital stock and the number of shares into which it is divided.

(2) The names of the directors, and the number of shares of stock held by them.

(3) The total amount of capital actually paid in, and the total amount of surplus and other reserve funds, if any.

(4) The total amount due (a) depositors (b) all other liabilities.

(5) The total amount and character of (a) overdrafts secured, (b) overdrafts not secured, and (c) all other assets.

(6) The amount at which the lot and building occupied by the bank for the transaction of its business stands debited on its books, together with the market value of all other real estate held, and whether acquired in settlement of loans or otherwise, the amount at which it stands debited on the books, and where situated.

(7) The amount loaned on real estate.

(8) The indebtedness or liability (a) of each officer, and (b) of each director to such bank.

(9) The amount invested in (a) bonds, and (b) stocks.

(10) The amount loaned on (a) stocks and bonds, (b) on other securities, (c) commercial paper and (d) other notes and bills.

(11) The actual amount of money on hand and on de-

posit in other banks, with the name of such banks where deposited.

(12) Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situated and the value of such property, and the amount so loaned, deposited, or placed, and any other information he may require relative to the conduct and affairs of such bank.

(13) Each and every officer of any bank, trust company, or combined bank and trust company, or other institutions required by law to make reports hereunder to the banking and securities commissioner, who shall swear and make oath to any such statement knowing same to be false in any part thereof, shall be guilty of false swearing, and upon conviction shall be confined in the penitentiary for not less than one nor more than five years.

§ 12. Every official report concerning a bank made by the commissioner and every report duly verified of an examination made, shall be prima facie evidence of the facts therein stated for all purposes in any action or proceedings, wherein such bank is a party; provided that such reports shall not be made public except when required in proper legal proceedings.

§ 13. Every bank shall within ten days after call made upon said institution by the State banking and securities commissioner publish a condensed statement of its financial condition, at the close of business on the date named in said call by said banking and securities commissioner, which call may be made by him at any time he desires, and he shall make at least two calls in each year. Said condensed statement made on a form to be furnished by the banking and securities commissioner, shall be published in some newspaper of general circulation, published in the city or town where its principal place of business is located, and, if no paper is published in such town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of

loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount due from banks, the total amount of checks and other cash items, the total amount of cash on hand, capital paid in, surplus fund; undivided profits, less expense and taxes paid; due to other banks; individual deposits subject to check; demand certificates of deposit; time deposits; certified checks, cashier's checks outstanding; and such other items as will show the actual financial condition of the bank making the report, and a copy certified to by the publisher shall be sent to the banking and securities commissioner as a part of its next succeeding report.

§ 14. If the deputy banking and securities commissioner or any State bank examiner shall have knowledge of the insolvency or unsafe condition of any bank subject to an examination under this act, or that it is unsafe, or that it is inexpedient to permit such bank to continue business, and shall neglect to forthwith report such fact in writing over his signature to the banking and securities commissioner, or shall disclose contrary to the provisions of this act information obtained by him by virtue of his office, or shall violate any of the provisions of this act, or fail to perform any duty herein imposed upon him, he shall forfeit his office and shall be fined for each offense not less than one hundred dollars ($100) nor more than two thousand dollars ($2,000).

If the banking and securities commissioner shall have knowledge of the insolvency or unsafe condition of any bank subject to examination or that it is unsafe or that it is inexpedient to permit such bank to continue business and shall wilfully fail to take action as provided in this act, or shall disclose contrary to the provisions of this act any information obtained by him by virtue of his office, or shall violate any of provisions of this act, or shall fail to perform any of the duties hereby imposed upon him, he shall forfeit his office, and shall be fined for each offense not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).

If any bank shall knowingly fail to make a report re-

quired by law or the banking and securities commissioner within the time designated for the making thereof, or to include therein any matter required by law or by the banking and securities commissioner, or fail to publish any report within thirty days after the time when it should have been published, or to pay when due the fees for filing reports, or for an examination of the bank, it shall be subject to a penalty of twenty-five dollars ($25) for each day which it shall be delinquent for the periods respectively mentioned, the aggregate penalty, however, for such offense not to exceed two hundred and fifty dollars ($250)).

Every person who, or bank which wilfully makes or transmits a false report or refuses to submit its books, papers, and assets for examination, or any officer of such bank who refuses to be examined, under oath touching the concerns of such bank, severally shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

Whenever any such officer, person or bank becomes liable to any penalty imposed by this act and refuses to pay it, or the banking and securities commissioner, deputy banking and securities commissioner or any State bank examiner becomes liable to any penalty imposed by this act, the attorney-general shall institute a penal action against such delinquent person, bank or officer, in the name of the Commonwealth of Kentucky, in the Franklin circuit court, or in the circuit court of the county in which such offense is committed, for the recovery of such penalty, and all sums collected in such actions shall be paid into the State treasury.

If any bank or its officers wilfully refuse after demand by the banking and securities commission to comply with any of the provisions of this act, the banking and securities commissioner shall have power to take charge of its property and assets as herein provided in section 16 hereof.

§ 15. The banking and securities commissioner shall examine, or cause to be examined, such banks as may hereafter be placed in the hands of a receiver, as other banks, until its

affairs shall be wound up, and a copy of such examination shall be filed with the clerk of the circuit court, in the county where such bank is located. The receiver or person in charge of such insolvent bank, shall make reports to the banking and securities commissioner in the same manner as required in the case of other banks. Any receiver of any insolvent bank who shall fail to comply with the provision of this section, or who shall refuse to submit the affairs of such bank to an examination as provided by law, or who shall fail to comply with any of the provisions of this act, shall be subject to the same penalties provided for solvent banks and officers so offending.

§ 16. Whenever it shall appear that the capital stock of any bank has been impaired, the banking and securities commissioner shall notify such bank and each director thereof, to make such impairment good within thirty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the banking and securities commissioner immediately to call a special meeting of its stockholders for the purpose of making assessments on its stock sufficient to cover the impairment of its capital, payable in cash: Provided, That such bank may with the consent of the commissioner reduce its capital to the extent of the impairment, if such reduction will not place its capital below the amount required by law.

§ 17. If from any examination made as provided in this act, it shall appear that any bank is insolvent or that its capital has become impaired, and is permitted to remain impaired beyond the period allowed by law, it shall be the duty of the banking and securities commissioner in person or by his deputy or by a State bank examiner immediately to take charge of such bank and all property and effects thereof.

If an examiner shall find that any bank is pursuing a dangerous and unsafe policy, the examiner shall call the directors and officers of such institution together and advise them fully of the nature of such objectionable practices, and warn them against a repetition thereof, and shall make a full report to the banking and securities commissioner of the

practices warned against, and the advice given by him, and thereupon the banking and securities commissioner, if he deem it proper, shall, in person or by written notice to each director, require an abandonment or cessation of such objectionable practices or policy, and if his directions are not complied with, he may place a State bank examiner in charge of such bank, or he may adopt such other policy as may in his judgment seem wise and best calculated to bring the institution back to a safe condition. The officers, directors, or stockholders of any bank shall have the right forthwith, upon his declaring his intention of doing so, to execute to such commissioner a bond with surety or security approved by him, condition to secure the creditors of such bank, and upon the execution of such bond the banking and securities commissioner shall leave with, or restore the custody and management of such bank to the officers and directors thereof. The commissioner may, if he deem necessary, cause a petition to be filed in the circuit court of the county where such bank is located, and apply to such court or to the judge thereof when the court is not in session, for the appointment of a receiver of such bank, and thereupon such court or the judge thereof shall set a date for the hearing of the application for the appointment of a receiver, not later than twenty days from the date of such motion is made and of which notice shall be served upon the bank. Upon such hearing the parties may be heard by affidavits or upon oral examination in court or before the judge and thereupon the judge shall hear and determine the question of the appointment of such receiver, and if the court shall determine that such action or proposed action of the commissioner was justified, the court shall appoint a receiver, and shall fix the amount of the bond to be given by him.

§ 18. The banking and securities commissioner may, under his hand and official seal, appoint one or more special deputy banking and securities commissioners, as agent or agents, to assist him in the duty of liquidating and distributing the assets of any insolvent bank, the certificates of appointment to be filed in the office of the banking and securities commissioner, and a certified copy in the office of the clerk of

the circuit court in the county in which the office of such insolvent bank is located.

The banking and securities commissioner may, from time to time, authorize a special deputy commissioner to perform such duties connected with the liquidation and distribution, as the banking and securities commissioner may deem proper. The banking and securities commissioner may employ such counsel, and procure such expert assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank, and may retain such officers or employees of such bank as he may deem necessary. He shall require from a special deputy commissioner such surety for the faithful discharge of his duties as he may deem proper; provided, however, it shall not be for a less sum than one-half the assets of the bank.

Whenever, under the provisions of this act, the banking and securities commissioner, in person or by a deputy or by a State bank examiner, shall take charge of any bank, or the court shall appoint a receiver as in this act is provided, such person shall be allowed for his services not exceeding the sum of two dollars per hour for not exceeding ten hours per day for the time actually engaged by him in labor in the liquidation of the bank. If such person be a special deputy, appointed by the commissioner, or a receiver, appointed by the court such allowance shall be paid to him as his compensation, and if such person shall be the banking and securities commissioner or his deputy or a State bank examiner, the amount so allowed as compensation shall be paid into the State treasury; and the commissioner shall fix the compensation of the counsel and any special assistants subject to review by the court, and all such expenses shall be paid out of the bank so liquidated.

Whenever the banking and securities commissioner, in person, or by deputy or by State bank examiner, shall take charge of any bank under the provisions of this act, he shall, within thirty days thereafter, file in the office of the clerk of the circuit court of the county in which the bank is located, a detailed statement in the form prescribed in section 10 of this

act, of the assets and liabilities of such bank, and thereafter upon the first day of the term of each succeeding session of the circuit court of such county and every sixty days in counties having circuit courts of continuous sessions, he shall file a report of his acts and doings in the administration of such bank since his last report; and any person, firm or corporation may, by petition addressed to the circuit court, have any act of such commissioner reviewed by the court, in the same manner and with the same rights and powers as would have attached had such commissioner been a receiver appointed by the court.

The banking and securities commissioner shall cause notice to be given by advertisement in such newspapers as such bank's semi-annual reports are published, weekly for three consecutive months, calling on all persons who may have claims against such insolvent bank to present the same to the banking and securities commissioner, and make legal proof thereof, at a place and within a time not more than six months after the last date of publication, to be therein specified. He shall mail a copy of such notice to all persons whose names appear as creditors upon the books of such bank. If the commissioner doubts the justice and validity of any claim, he may reject the same and serve written notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the banking and securities commissioner. An action upon a claim so rejected must be brought within six months after such notice. Claims presented after the notification of the time fixed in the notice to creditors, shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the banking and securities commissioner, equitably applicable thereto.

The assets of any bank in liquidation under this act shall be applied (a) to the payments of costs and charges of liquidation, and preferred claims; (b) to satisfaction of secured claims to the extent of such security; (c) to the satisfaction of all other debts, including unsatisfied balances of secured claims, ratably and without preference to the amount allowed

at the time of distribution, and (d) the residue, after all liabilities are paid shall be distributed for the benefit of the stockholders ratably, or may, on their request, be turned over to them or their agent for settlement.

§ 19. Any bank organized under the laws of this State and subject to the provisions of this act, may place its affairs and assets under the control of the banking and securities commissioner, by posting a notice on the front door, as follows: "This bank is in the hands of the banking and securities commissioner." The notice must be signed by a majority of the directors in their own handwriting, and they shall forthwith notify the banking and securities commissioner, by telegraph, of such act. The posting of such notice, or the taking charge of any such bank by the banking and securities commissioner, shall be sufficient to place all its assets and property, of whatever nature, in the possession of the banking and securities commissioner.

§ 20. The banking and securities commissioner shall keep in his office, in a place accessible to the general public, a bulletin board upon which he shall cause to be posted at noon on Friday of each week, a detailed statement, signed by him, or in case of his absence from Frankfort, or inability to act, by the deputy banking and securities commissioner in charge, giving the following information with regard to the work of the department since the preceding statement:

(1) The name of every bank that has filed in the banking and securities department an application for authorization to commence business, its location, the proposed amount of capital stock and names of incorporators, and the date of filing each application.

(2) Name and location of every bank authorized by the banking and securities commissioner to commence business, its capital, surplus, and the date of authorization.

(3) The name of every bank to which a certificate of

authorization has been refused by the banking and securities commissioner, and the date of notice of refusal.

(4) The date on which a call for reports by banks was issued by the banking and securities commissioner, and the date designated as the date with reference to which such reports should be made.

(5) The name and location of every liquidated bank whose creditors or depositors have been paid in full by the banking and securities commissioner, and a meeting of whose stockholders shall have been called together with the date of notice of the meeting and the date of the meeting.

(6) The name and location of every bank subject to the banking law whose affairs and business shall have been fully liquidated or are in course of liquidation.

(7) The name and location of every bank which has applied for approval of a change of name, and the name proposed.

Every such bulletin having been posted as aforesaid for one week, shall be placed on the file for such statements, to be kept in the office of the banking and securities commissioner. Such statements shall be public documents, and at all reasonable times shall be open to public inspection during the usual office hours.

§ 21. Before filing the articles or incorporation of any proposed bank, trust company or combined bank and trust company in the office of the county clerk in the county in which the bank is to be located and do business, and with the secretary of State, as is required by law, the incorporators shall present a copy of their proposed articles of incorporation to the banking and securities commissioner for his approval or disapproval, and when such articles are approved in writing by the banking and securities commissioner, the incorporators may then proceed to the filing, and having same recorded. Upon presentation of said articles of incorporation

to the commissioner he shall carefully examine same, and shall make diligent inquiry and investigation as to the financial standing and moral character and capability of each of the incorporators and shall require each incorporator to furnish satisfactory proof that each is worth at least double the amount of the par value of his stock subscription, above all exemptions, obligations and liabilities. If such articles be approved, then the county clerk and the secretary of State, respectively, may receive said articles for filing and recording. Upon the filing and recording of said articles, and fully complying with all laws relating to the organization of the banks or trust companies or combined banks and trust companies, and such general corporation laws as are applicable, said institutions shall be deemed organized for the purpose set out in its articles of incorporation, but before such bank or trust company, or combined bank and trust companies shall transact any banking or trust business, it shall file with the commissioner a written oath which shall be taken by each and every officer of the bank, trust company, or combined bank and trust company, directors, and the cashier, if he be a director, which oath shall be in substance to the effect that such officer is then a citizen of the United States, and the Commonwealth of Kentucky; unless he be a non-resident, then place of residence must be stated; that he will well and truly discharge the duties of his office, and honestly and efficiently administer the affairs of the institution, so far as the duties of his office require; that he will uphold the laws of the Commonwealth, and particularly the banking laws; that he is the owner in good faith and in his own right of five share, unhypothecated or pledged on a debt of the capital stock of the corporation of which he is such officer; said oath shall be taken before any officer empowered by law to administer same, and the same oath shall be taken upon the election of any officer to office in any banking and trust institution, and such original and subsequent oaths shall be transmitted to the banking and securities commissioner immediately upon its execution, and shall be by the commissioner filed and preserved.

Upon the filing of such oath, if the banking and securities commissioner be then satisfied that all requisite laws have

been complied with, he shall issue to the institution a certificate which will entitle it to at once transact the business for which it was organized, setting out therein that it had subscribed and paid in the required capital and otherwise fully complied with all pertinent laws and regulations.

§ 22. The banking and securities commissioner shall report during the month of June of each year to the governor, and such report shall be published. It shall set forth the following:

(1) A summary of the condition of every bank organized and doing business under the laws of this State, subject to examination and inspection under this act, and such other information relating to such banks, as, in his judgment, may be useful.

(2) A statement of every bank whose business has been closed during the year, that has failed or voluntarily retired during the year.

(3) The name of banks placed in his hands in process of liquidation, and the amount of dividends paid thereon.

(4) Any proposed amendment of the laws relating to banks, by which the system, in his judgment, may be improved, and the security of creditors, depositors, and stockholders may be increased.

(5) The names and compensation of his assistants and clerks employed in his office, and a classified statement of the amount of the receipts and expenses of the banking and securities department during the year.

§23. The banking and securities commissioner shall devise a seal, with suitable inscription for the department, a description of which, with a certificate of approval by the governor, together with an impression thereof, shall be filed in the office of the secretary of State, and which seal shall thereupon be and become the seal of the banking and securi-

ties department, and same may be renewed whenever necessary.

Securities Division.

§ 24. Definitions. When used in this act the following terms shall, unless the text otherwise indicates, have the following respective meanings:

(1) "Security" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining lease, collateral trust certificate, pre-organization certificate, pre-organization subscription, any share, investment contract or beneficial interest in or title to property, profits or earnings or any other instrument commonly known as a security.

(2) "Person" shall include a natural person, a corporation created under the laws of this or any other State, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term "trust" shall be deemed to include a common law trust, but shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(3) "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular, letter, advertisement or otherwise.

(4) "Dealer" shall include every person other than a salesman who in this State engages either for all or part of his time directly or through an agent in the business of selling any securities whether exempt or not exempt issued by another person or purchasing or otherwise acquiring such securities from another for the purpose of reselling them or offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in securities as agent or principal for a commission or at a profit, or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or sales or pretended purchases or sales of such securities provided that the word "dealer" shall not include a person having no place of business in this State who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business. Provided that banks and trust companies that in the ordinary course of their business purchase and sell notes that are secured by a first lien on real property situated in Kentucky, the total value of which notes do not exceed 70 per cent of the fair and reasonable value of the property on which they are a lien and do not exceed twenty-five thousand dollars, shall not be dealers within the meaning of this section or act.

(5) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any natural person who acts as a promoter for and on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(6) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer, or issuer to sell securities in any manner in this State. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be salesmen within the meaning of this definition.

(7) "Agent" shall mean salesman as hereinabove defined.

(8) "Commissioner" shall mean the banking and securities commissioner.

§ 25. Exempt Securities. Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or insular possession thereof, or by the District of Columbia or by any State or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any State, province or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued or payment thereof guaranteed by a national bank or by any federal land bank or joint stock land bank or national farm loan association under the provisions of the Federal Farm Loan Act of July 17, 1916, or by the War Finance Corporation or by any corporation created or acting as an instrumentality of the government of the United States pursuant to authority granted by the Congress of the United States; provided, that such corporation is subject to supervision or regulation by the government of the United States.

(d) Any security issued or guaranteed as to principal and interest or dividend by a corporation owning or operating a railroad or any other public service utility; provided, that such corporation is subject to regulation or supervision as to its rates and charges or as to the issue of its own securities and those guaranteed by it by a public commission, board or officer of the government of the United States, or of any State, territory or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof; also equipment notes or bonds based on chattel mortgages, leases

or agreements for conditional sale of cars, motive power or other rolling stock mortgaged, leased or sold to or furnished for the use of or upon a railroad or other public service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or of any State, or of the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds or notes; also bonds, notes or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described; provided, that the collateral securities equal in fair value at least 125 per centum of the par value of the bonds, notes or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities appearing in any list of securities dealt in on the New York Stock Exchange or any other recognized and responsible stock exchange which has been previously approved by the commissioner and which securities have been so listed pursuant to official authorization by such exchange and also all securities senior to any securities so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect; provided, the commissioner may at any time for cause withdraw the exemption allowed by this section from any security dealt in on any stock exchange herein mentioned or referred to.

(g) Any security a direct obligation of or payment thereof guaranteed by a State bank, trust company, title company, real estate mortgage company engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidences of such loans,

whether notes or bonds, or its own obligations secured by such notes or bonds, or savings institution incorporated under the laws of this or any State and subject to the examination, supervision and control of this or any State or territory of the United States or of any insular possession thereof.

(h) Negotiable promissory notes or commercial paper; provided, that such issue of notes or commercial paper mature in not more than twelve (12) months from the date of issue and shall be issued within three (3) months after the date of sale.

(i) Fifty (50) per cent of the capital stock first issued by a corporation organized under the laws of this State for the purpose of doing business in this State, to enable it to transact business under Section 543 of the Kentucky Statutes where no expense in excess of one per cent of the proceeds from the sale of its capital stock so issued is incurred, and no commission, compensation or remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly or indirectly in payments for patents, services, goodwill, trade marks, leases, copyrights, processes, formulae, or other intangible assets. The president and secretary of the corporation shall, prior to such disposal, file with the commissioner a written verified statement setting forth the existence of the above facts, and that the corporation is formed for the purpose of doing business in this State.

§ 26. Exempt Transactions. Except as hereinafter expressly provided the provisions of this Act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's, or other fiduciary's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery in the ordinary

course of business and not for the purpose of avoiding the provisions of this Act, to liquidate a bona fide debt, a security pledge in good faith as security for such debt.

(c) An isolated transaction in which any security is bought, sold, offered for sale, subscription or delivery by the owner thereof, or by his representative for the owner's account, such purchase, sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation actively engaged in the business authorized by its charter of capital stock, bonds or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earnings or surplus; or the issue of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this Act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors, or the issue of increased capital stock of a corporation sold or distributed by it directly or through an agent entirely among its own stockholders, or their assigns, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer or delivery to any bank, savings institution, trust company, insurance company or to any corporation where the transaction is in good faith and for its own account in the ordinary conduct of its business or to any dealer; provided, that such dealer is actually engaged in buying and selling securities as a business; and provided that such dealer must qualify such securities before selling or offering them for sale to the public.

(f) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgage upon real estate so long as the entire mortgage together with all of the bonds or notes secured thereby are sold to a single purchaser at a single sale.

(h) Any security other than common stock outstanding and in the hands of the public for a period of not less than 18 months upon which no default in payment of principal, interest or dividends exists, and upon which no such default has occurred for a continuous immediately preceding period of five years.

(i) The sale or distribution of any security described in subdivision (d) of Section twenty-five hereof by any corporation owning or operating a railroad or any other public service utility or by any of its subsidiary corporations through employes of any such corporation or through the employee of any of its subsidiary corporations.

§ 27. Registration of Securities. No securities except of a class exempt under the provisions of Section twenty-five hereof or unless sold in a transaction exempt under the provisions of Section twenty-six or heretofore registered hereof shall be sold within this State unless such securities shall have been registered by notification or by qualification as hereinafter defined. A record of the registration of securities shall be kept in a register of securities to be kept in the office of the commissioner, in which register of securities shall also be recorded any orders entered by the commissioner with respect to the securities registered therein shall be open to public inspection.

§ 28. Registration by Notification. The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(1) Securities issued by a corporation, partnership, association, company, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years or which is a consolidation or merger of a property, business or industry which has been in continuous operation for not less than three years, and which has shown during a period of not less than two years or more than ten years next prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(a) In the case of interest bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest bearing obligations of equal rank.

(b) In the case of preferred stock, not less than one and one-half times the annual dividend requirements on such preferred stock and on all other outstanding stock of equal or senior rank.

(c) In the case of common stock, not less than six per centum upon all outstanding common stock of equal or senior rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

(2) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by said mortgage during the term of the lease where the lease is irrevocable and is pledged under the mortgage securing said bonds or notes.

(3) Any bond or note secured by a first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas or mining property or

leases), or upon city, town or village estate or leaseholds situated in any State or territory of the United States or in the District of Columbia or in the Dominion of Canada as follows:

(a) When the mortgage is a first mortgage upon such agricultural lands, used and valuable principally for agricultural purposes, and when the aggregate face value of such bonds or notes not including interest notes or coupons, secured thereby does not exceed 70 per centum of the then fair market value of said lands without improvements, plus 70 per centum of the insured value of any improvements thereon; or

(b) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such real estate or leaseholds, does not exceed 60 per centum of the then fair market value of said mortgaged real estate or leaseholds, respectively, including any improvement appurtenant thereto, and when said mortgaged property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; or

(c) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage, and when reasonably adequate provision has been made for financing the full completion of said building free and clear of any lien superior to said mortgage, and when the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed 70 per centum of the fair market value of such mortgaged property, including the building or build-

ings to be erected thereon as aforesaid, and when said mortgaged property will have a net annual income, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; provided, that all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type upon the face thereof a legend stating that said bonds are construction bonds or notes and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

The provisions of this subsection (3) shall not apply in the case of bonds or notes secured wholly or partly by first mortgage on leaseholds, the value of which leaseholds is required to meet the ratio of property value to face value of obligation above in classes (b) and (c) provided, unless all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor, and said bonds and notes shall bear in bold type not less than 18 point upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

When used in this subsection (3) the term "mortgage" shall be deemed to include a deed of trust to secure a debt.

§ 29. Registration by Notification. Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the commissioner of a statement with respect to such securities containing the following:

(a) Name of issuer.

(b) A brief description of the security including amount of the issue.

(c) Amount of securities to be offered in the State.

(d) A brief statement of the facts which show that the security falls within one of the classes in this section defined.

(e) The price at which the securities are to be offered for sale.

In the case of securities falling within the class defined by subsections (1) or (2), if the circular to be used for the public offering is not filed with the statement, then a copy of such circular shall be filed in the office of the commissioner within five days thereafter or within such further time as the commissioner shall allow.

In the case of securities falling within the class defined by subsection (3), the circular to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the commissioner and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration, such securities may be sold in this State by any registered dealer giving notice in the manner hereinafter provided in Section 34, subject, however, to the further order of the commissioner as hereinafter provided.

If, at any time in the opinion of the commissioner, the information contained in the statement or circular filed is misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud or imposition the commissioner may require from the person filing such statement such further information as may in his judgment be necessary to establish the classification of such security gas claimed in said statement or to enable the commissioner to ascertain whether the sale of such security would be fraudulent or deceitful, or would result in fraud, or imposition, and the commissioner may also suspend the right to sell such security pending further investigation by entering

an order specifying the grounds for such action, and by notifying personally by mail, telephone or telegraph the person filing such statement and every registered dealer who shall have notified the commissioner of an intention to sell such security. The refusal to furnish information required by the commissioner within a reasonable time to be fixed by the commissioner may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until further order of the commissioner.

In the event of the entry of such order of suspension the commissioner shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of twenty (20) days from the entry of such order or if upon such hearing the commissioner shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof would be fraudulent or deceitful, or would result in fraud or imposition he shall enter a final order prohibiting sales of such security, with his findings with respect thereto, provided that if the finding with respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration by qualification by complying with the requirements of Section 30. Appeals from such final order may be taken as hereinafter provided. If, however, upon such hearing, the commissioner shall find that the security is entitled to registration under this section, and that its sale will neither be fraudulent or deceitful nor result in fraud or imposition, he shall forthwith enter an order revoking such order of suspension and such security shall be restored to its status as a security registered under this section, as of the date of such order of suspension.

At the time of filing the statement, as hereinbefore prescribed in this section, the applicant shall pay to the commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this State for which the applicant is seeking registration, but in no case shall such fee

be less than $10.00 or more than $100.00. In the case of stock having no par value, the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

§ 30. Registration by Qualification. All securities required by this act to be registered before being sold in this State, and not entitled to registration by notification, shall be registered only by qualification in the manner provided by this section.

The commission shall receive and act upon applications to have securities registered by qualification, and may prescribe forms on which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed and sworn to by the applicant, and filed in the office of the commissioner and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell the same within this State.

The commissioner shall require the applicant to submit to the commissioner the following information respecting the issuer and such other information as he may in his judgment deem necessary to enable him to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The names and addresses of the directors, trustees and officers, if the issuer be a corporation or association or trust organized or existing under the common law (as hereinbefore defined) of all partners, if the issuer be a partnership, and of the issuer, if the issuer be an individual.

(b) The location of issuer's principal business office and of its principal office in this State, if any.

(c) The purpose of incorporation (if incorporated) and the general character of business actually to be transacted by the issuer, and the purpose of the proposed issue.

(d) A statement of capitalization of the issuer; a balance sheet showing the amount and general character of its assets and liabilities on a day not more than sixty (60) days prior to the date of filing such balance sheet; a detailed statement of the plan upon which the issuer proposes to transact business; a copy of the security for the registration of which application is made; and a copy of all circulars, prospectuses, advertisements or other descriptions of such securities then prepared by or for such issuer and or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in this State.

(e) A statement of the amount of the issuer's income, expenses and fixed charges during the last past five years, or if in actual business less than five years then for such time as the issuer has been in actual business.

(f) A statement showing the price at which such security is proposed to be sold, together with the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(g) A detailed statement showing the items of cash, property, services, patents, good will and any other consideration for which such securities have been or are to be issued in payment, and the commissioner may fix the amount of stocks, bonds or other securities that may be issued by any corporation, foreign or domestic, in payments for property, patents, good will, promotion and intangible assets at a value he should find same to be worth.

(h) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(i) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not

already on file in the office of secretary of this state. If the issuer is a trustee there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint stock company, or any other form of organization whatsoever, there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization, if not already on file in the office of the secretary of state of this state.

All of the statements, exhibits and documents of every kind required by the commissioner under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the commissioner.

With respect to securities required to be registered by qualification under the provisions of this section, the commissioner may by order duly recorded fix at not exceeding (20) twenty per cent the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

At the time of filing the information, as hereinbefore prescribed in this section, the applicant shall pay to the commissioner a fee of one tenth of one per cent of the aggregate par value of the securities to be sold in this State, for which the applicant is seeking registration, but in no case shall such fee be less than twenty-five nor more than two hundred dollars. In case of stock having no par value the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

If upon the examination of any application the commissioner shall find that the sale of security referred to therein would not be fraudulent or deceitful or would not work or tend to work a fraud or imposition upon the purchaser, or that

the enterprise or business of the issuer is not based upon unsound business principle, then upon the payment of the fee provided in this section, he shall record the registration of such security in the Register of Securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the commissioner of his intention so to do, in the manner hereinafter provided in Section 10, subject, however, to the further order of the commissioner as hereinafter provided.

§ 31. In every note or bond secured by a mortgage or deed of trust that is issued or sold or offered for sale under Section 25, 26, 28, 29 and 30 of this act, there shall be printed in bold, black face type not less than 18 point, in a conspicuous place on the face thereof the words, "This note or bond is secured by a first or second or third mortgage or deed of trust" as the case may be, and it shall be unlawful to issue, sell or offer to sell any bond or note secured by mortgage or deed of trust without this legend appearing on the face thereof.

§ 32. Consent to Service. Upon any application for registration by notification under Section 28 made by an issuer, and upon any application for registration by qualification under Section 30, whether made by an issuer or registered dealer, where the issuer is not domiciled in this State, there shall be filed with such application the irrevocable written consent of the issuer that suits and actions, growing out of the violation of any provision or provisions of this act, may be commenced against it in the proper court of any county in this State in which the plaintiff may reside, or in which the contract was made, by the service of any process or pleading authorized by the laws of this State, on the Banking and Securities Commission, said consent stipulating and agreeing that such service of such process or pleadings on such commissioner shall be taken and held in all courts to be as valid and binding as if due service had been made upon the issuer himself, and said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the copartnership or company, or by

the acknowledged signature of any officer of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the commissioner, it shall be by duplicate copies, one of which shall be filed in the office of the commissioner and another immediately forwarded by registered mail to the principal office of the issuer to an address which once filed shall be conclusively considered the permanent address of the issuer until the commissioner has been notified officially of a new one, against which said process or pleadings are directed.

§ 33. Revocation of Registration of Securities. The commissioner may revoke the registration of any security by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of the issuer of such security it shall appear that the issuer:

(1) Is insolvent; or

(2) Has violated any of the provisions of this act or any order of the commissioner of which such issuer has notice; or

(3) Has been engaged or is about to engage in fraudulent or deceitful transactions; or transactions that would work an imposition on another party; or

(4) Is in any other way dishonest or has made any false or fraudulent or deceitful representations in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities; or

(5) Is of bad business repute; or

(6) Does not conduct its business in accordance with law; or

(7) That its affairs are in an unsound condition; or

(8) That the enterprise or business of the issuer is not based upon sound business principles.

In making such examination the commissioner shall have access to and may compel the production of all the books and papers of such issuer, and he or his deputy may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs and may alo require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either of this State or of another state where the issuer's business is located, approved by the commissioner.

Whenever the commissioner may deem it necessary, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as the commissioner shall point out or to be brought down to the latest practicable date.

If any issuer shall refuse to permit an examination to be made by the commissioner, it shall be proper ground for cancellation of registration.

If the commissioner shall deem it necessary he may enter an order suspending the right to sell securities pending any investigation; provided, that the order shall state the commissioner's grounds for taking such action.

Notice of the entry of such order shall be given personally or by telephone, telegraph or mail to the issuer and every registered dealer who shall have notified the commissioner of an intention to sell such security.

§ 34. Registration of Dealers and Salesmen. No dealer

or salesman shall engage in business in this State as such dealer or salesman or sell any securities including securities exempted in Section 25 of this act, except in transactions exempt under Section 26 of this act, unless he has been registered as a dealer or salesman in the office of the commissioner pursuant to the provisions of this section.

Every dealer before engaging in buiness in this State shall file in the office of the commissioner an application for registration in writing in such form as the commissioner may prescribe, duly verified by oath, which shall state the principal office of the applicant, wherever situated, and the location of the principal office and all branch offices in this State, if any, the name or style of doing business, the names, residence and business address of all persons interested in the business as principals, copartners, officers and directors, specifying as to each his capacity and title, the general plan and character of business and length of time the dealer has been engaged in business. The commissioner may also require such additional information as to applicant's previous history, record and association as he may deem necessary to establish the good repute in business of the applicant.

Every dealer shall file with his application an irrevocable written consent to the service of process upon the Banking and Securities Commissioner in actions against such dealer in manner and form as hereinabove provided in Section 32.

Every dealer shall also file with his application a bond in the sum of five thousand ($5,000) dollars running to the Commonwealth of Kentucky in such form as the commissioner may designate, such bond to be conditioned upon the faithful compliance with the provisions of this act by said dealer and by all salesmen registered by him. Such bond shall be executed as surety by a surety company having a net worth of not less than $1,000,000 and authorized to do business in this State. Provided, however, that upon the bond required of any bank, trust company, real estate mortgage company or title company organized and doing business under the laws of this

State or any national bank situated therein, its capital stock shall be taken and considered as the only security required for the faithful performance of its duties. If the commissioner shall find that the applicant is of good repute and has complied with the provisions of this section, including the payment of the fee hereinafter provided, he shall register such applicant as a dealer. Provided that banks, trust companies and mortgage or other companies that may become dealers under this act may, when required to execute as dealers the bond required therein, execute said bond without surety, when by action of the board of directors the capital stock is authorized to be pledged as surety and the capital stock of banks, trust and mortgage companies is hereby authorized to be so pledged; and when so pledged no other surety shall be required.

Upon the written application of a registered dealer and general satisfactory showing as to good character and the payment of the proper fee the commissioner shall register as salesman of such dealer such natural persons as the dealer may request. No dealer or salesman shall sell or offer to sell any security the sale of which has not been authorized by the commissioner and the commissioner shall deliver to each dealer and salesman a license prepared and printed in such form as he shall prescribe.

The names and addresses of all persons approved for registration as dealers or salesmen and all orders with respect thereto shall be recorded in a Register of Dealers and Salesmen, kept in the office of the commissioner, which shall be open to public inspection. Every registration under this section shall expire on the 31st day of December in each year, but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically required by the commissioner. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of the ensuing year, otherwise

they shall be treated as original applications. The fee for such registration shall be $50.00 and for each annual renewal shall be $25.00 in the case of dealers and $5.00 in the case of salesmen, for registration and $5.00 each annual renewal.

Changes in registration occasioned by changes in the personnel or a partnership or in the principals, copartners, officers, directors, of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the commissioner in writing of his intention so to do. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale, and whenever a dealer shall have prepared such notice and shall have forwarded the same by registered mail, postage prepaid and properly addressed to the commissioner, such dealer, as to the contents of such notice and filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of security required to be registered under the provisions of this act, selling such securities except in exempt transactions as defined in Section 26 hereof, shall be deemed a dealer within the meaning of this Section 34 and required to comply with the provisions hereof.

§ 35. Revocation of Dealers' and Salesmen's Licenses. Registration under Section 34 may be refused or any registration granted may be canceled by the commissioner if after reasonable notice and a hearing the commissioner determines that such applicant or registrant so registered:

(1) Has violated any of the provisions of this act or any regulation made hereunder; or

(2) Has made a material false statement in the application for registration; or

(3) Has been guilty of a fraudulent or deceitful act in connection with any sale of securities, or has been or is engaged or is about to engage in making fictitious or pretended sales or purchases of any of such securities or has been or is engaged or is about to engage in any practice or sale of securities which is fraudulent or deceitful or would work an imposition on the purchaser, or be in violation of the law; or

(4) Is of bad business repute or has demonstrated his unworthiness to transact the business of dealer or salesman

Pending the hearing the commissioner shall have the power to order the suspension of such dealer's or salesman's license; provided, such order shall state the cause for such suspension.

In the event the commissioner determines to refuse or cancel a registration as hereinabove provided, he shall enter a final order herein with his findings on the Register of Dealers and Salesmen, and shall notify the applicant or licensee of his final order by registered mail.

It shall be sufficient cause for refusal or cancellation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or cancelling the registration of an individual dealer or salesman.

§ 36. Burden of Proof. It will not be necessary to negative any of the exemptions or classifications in this act provided in any complaint, action, information, indictment or any other writ or proceedings laid or brought under this act and the burden of proof of any such exemption shall be upon the party claiming the benefit of such exemption or classification.

§ 37. Laws That This Act Shall Not Affect. Nothing in this act shall be construed to relieve corporations from

making reports now or hereafter required by law to be made to the secretary of state or any other state officer or paying the fees now or hereafter to be paid by corporations. This act shall not be construed to repeal any law now in force regulating the organization of corporations in this state or the admission of any foreign corporation; but the provisions of this act shall be construed to be additional to any provisions regulating the organization of a corporation under the laws of this state or the admission of a foreign corporation to do business in this state.

§ 38. Certificate of Commissioner—Admissibility in Evidence. In any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act a certificate duly signed by the commissioner or the deputy showing compliance or noncompliance with the provisions of this act respecting the security in question or respecting compliance or noncompliance with the provisions of this act by any issuer, dealer or agent or salesman, shall constitute prima facie evidence of such compliance or such noncompliance with the provisions of this act, as the case may be, and shall also be admissable in evidence in any action at law or in equity to enforce the provisions of this act.

§ 39. Certified Copies of Statements and Documents—Admissibility. Copies of any statement and documents filed in the office of the commissioner and of any records of the commissioner certified to by the commissioner or his deputy shall be admissible in any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act to the same effect as the original of such statement, document or record would be if actually produced.

§ 40. Escrow Agreement. If the statement containing information as to securities, as provided for in Section 30 of this act, shall disclose that any such securities shall have been or shall be intended to be issued for any patent right, copyright, trademark, process, lease, formulae or good will, or for promotion fees or expenses or for other intangible as-

sets, the amount and nature thereof shall be fully set forth and the commissioner may require that such securities so issued in payment of such patent right, copyright, trade mark, process, lease, formulae or good will, or for promotion fees or expenses, or for other intangible assets, shall be delivered in escrow to the commissioner under an escrow agreement that the owners of such securities shall not be entitled to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid for two years a dividend or dividends aggregating not less than six per cent, shown to the satisfaction of said commissioner to have been actually earned on the investment in any common stock so held, and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

§ 41. Fraudulent or Deceitful Sales—Impositions. Whenever it shall appear to the commissioner, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement or distribution of any securities within this state, including any security exempted under the provisions of Section 25, or in any transaction exempted under the provisions of Section 26, any person, as defined in this act, or person acting for him, shall have employed or employs, or is about to employ any device, scheme or artifice to defraud, deceive or work an imposition or for obtaining money or property by means of any false pretense, representation or promise, or that any such person shall have made, makes or attempts to make in this state fictitious or pretended purchases or sales of securities or shall have engaged in or engages in or is about to engage in any practice or course of business relating to the purchase or sale of securities which is fraudulent or deceitful or would work an imposition or be in violation of law and which has operated or which would operate as a fraud or imposition upon the purchaser, any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business which are hereby declared to be and are hereinafter referred

to as fraudulent or deceitful practices, or practices that would work an imposition, the commissioner shall investigate, and whenever he shall believe from evidence satisfactory to him that any such person has engaged in, is engaged or about to engage in any of the practices or transactions heretofore referred to as and declared to be fraudulent or deceitful or that would work an imposition, he shall in addition to any other remedies bring an action through the attorney general in the Franklin circuit court or through the commonwealth or county attorney in any county where the transactions or practices have been or are about to be engaged in, in the name and on behalf of the Commonwealth of Kentucky against such person and any other person or persons concerned in or in any way participating in or about to participate in such transactions or practices to enjoin such person, and such other person or persons from continuing such transactions or practices or engaging therein or doing any act or acts in furtherance thereof. In said action a judgment may be entered awarding such injunction as may be proper.

§ 42. Remedies. Every sale or contract for the sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser and the person making such sale or contract for sale and every director, officer or agent of or for such seller who shall have participated or aided in any way in making such sale shall be jointly and severally liable to such purchaser in any action at law in any court of competent jurisdiction in the county where the contract was made or in which the plaintiff resides, upon tender to the seller of the securities sold or of the contract made for the full amount paid by such purchaser.

Provided, that no action shall be brought for the recovery of the purchase price, after two years from the date of such sale or contract for sale; and provided, further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within a reasonable time to accept the voluntary offer of the seller to take back the security in question and to refund the full amount

paid by such purchaser, together with interest or such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed:

(a) In case such securities consist of interest bearing obligations at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest bearing obligations at the rate of six per centum per annum; less, in every case, the amount of any income from said securities that may have been received by such purchaser.

§ 43. Appeals. An appeal may be taken by any person interested and affected thereby from any final order of the commissioner to the Franklin circuit court by serving upon the commissioner within twenty days after the date of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in his office affecting or relating to such order. He shall also as hereinafter directed execute a bond in the penal sum of five hundred dollars to the Commonwealth of Kentucky with sufficient surety, to be approved by the clerk of the court conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all costs that shall be adjudged against the applicant. Thereupon the commissioner shall within ten days make, certify and deliver to the appellant upon the payment of the fee therefor such a transcript; and the appellant shall within five days thereafter execute the appeal bond and file the record and a copy of the notice of appeal with the clerk of the said court, which said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be entered on the trial calendar of said court for trial. The court shall only hear and consider such documentary and other evidence as was heard and considered by the commissioner and that is contained in the transcript upon which the appeal is taken. If the order of the commissioner shall be reversed

said court shall by its judgment specifically direct said commissioner as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations or restrictions to be therein contained, provided that the commissioner shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after thirty days from filing a new application, provided such application is not otherwise barred or limited. Such appeal from the finding of the commissioner shall not in any wise suspend the operation of the order appealed from during the pendency of such appeal unless so ordered by the court. An appeal may be taken from the judgment of said circuit court on any such appeal to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions. Each and every final ruling of said commissioner in the granting or refusing to grant a license or permit to transact business in this state, as well as the suspension or revoking of any such license or permit theretofore granted or issued, or the refusal of said commissioner to make investigation as to revoke any such license or permit on complaint as herein provided, shall be subject to review in a suit or other proper proceeding in the Franklin circuit court by any person, firm or corporation feeling aggrieved, and an appeal shall be granted by said circuit court to the Court of Appeals from any judgment it may render on motion of the losing party and in the same manner other appeals are prosecuted in similar cases.

§ 44. Powers of Commissioner—Rules and Regulations. The commissioner shall prescribe the forms of application and the forms of all other blanks, documents and records to be used and kept in connection with the administration hereof and in addition shall establish and promulgate such rules and regulations concerning the procedure and practice of applicants appearing before him as in his discretion may seem expedient and essential to the satisfactory enforcement and administration of this law.

§ 45. Power to Examine and Administer Oaths—Expenses. The commissioner may within his discretion when and as soon as may be after an application has been filed with the department make a careful inspection and examination of and concerning the application, the personnel of the applicant issuing person, its books, records, files, accounts, affairs and properties owned in fee or controlled or covered by leases, options, or other forms of contract, wherever same or any part of same may be found, situated or located, and of such other matters as the commissioner may deem necessary. The expense of making such inspection and examination shall be borne by the applicant, who when requested by the commissioner shall make a cash deposit with the commissioner sufficient to pay the expert inspector or accountant $25.00 per day and his actual expenses and this right of examination and inspection shall be inherent and continuing in the commissioner and may be exercised from time to time by him as deemed necessary within his discretion.

§ 46. Examination Upon Complaint—When and How Made—Expense. Should it at any time upon information, complaint or otherwise, appear to the commissioner that any of the terms, provisions or purposes of any order, permit, certificate or license theretofore applied for and granted to any person by him, has been or is being violated, and without regard to time expired since the original granting of said order, permit, certificate or license, he shall within his discretion have the inherent and continuing right, privilege and authority to require, make or conduct, at the expense of the person examined, inspected or investigated, at any and all times and at any and all places, any and all such examinations, inspections or investigations in and of the business, affairs, accounts, books, records, properties and personnel of any such person or persons he in his discretion may deem necessary, essential or expedient for the purpose of determining such fact or facts. For the purpose of defraying the necessary expenses in making and conducting such examination, inspection or investigation and where a specific sworn written complaint coupled with a written request asking the commissioner to make such

examination, inspection or investigation has been filed in the office of the commissioner, and should the commissioner in his discretion deem said complaint and request to be meritorious and sufficient, he may as a condition precedent to making such examination, inspection or investigation demand and receive from the requesting complainant, a cash deposit in an amount sufficient to cover the necessary expense of making such examination, inspection or investigation.

§ 47. Misleading Advertisements—Liabilities. In addition to the liability now imposed by law, any person or company that, by written or printed circular, prospectus, statement or advertisement of any kind, shall offer for subscription or purchase any security; or receive the profits accruing from the disposal of security; or receive the profits accruing from the disposal of securities so advertised, shall be liable to any person who, on the faith of such advertisement or document, acquires such security, for the loss or damage sustained by him by reason of any false or misleading statement contained therein, unless such person or company shall establish that he or it had no knowledge or notice of the publication of such advertisement prior to the transaction complained of, or had just and reasonable grounds to believe the statement thereof to be true. Wherever any corporation shall be so liable, the officers and directors thereof shall also be, under like limitations, jointly and severally liable. Any such officer or director, upon payment of a judgment so obtained against him, shall be subrogated to the rights of the plaintiff against such corporation and shall have the right of contribution for the payment of such judgment under like limitations, against any of his fellow officers or directors. Lack of reasonable diligence to ascertain the fact of such publication or the falsity or misleading nature of any statement therein contained, shall be deemed to be knowledge of such publication and of the falsity or misleading nature of any untrue statement thereof. Any action brought against such officer or director, based upon the liability hereby imposed, shall be brought within two years after the acquisition of the security by any person so dam-

aged or after payment of the judgment for which contribution is sought.

§ 48. Advertisement of Securities. It shall be unlawful hereafter, except as to exempt securities, as provided in Section 25, and securities that may be sold and offered for sale on notification as provided in Section 6:

(1) To advertise in this state, through or by means of any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise; or

(2) To circulate or publish any newspaper, periodical or either written or printed matter in which any advertisement in this section specified shall appear; or

(3) To circulate any prospectus, price list, order blanks or other matter for the purpose of inducing or securing any subscription to or sale of any security or securities, not exempted under any of the provisions of this act, and not sold or to be sold in one of the transactions exempted under the provisions of this act, unless and until the requirements of this act have been fully complied with and such advertising matter has been filed with and approved by the commissioner.

§ 49. Certain Information and Records Open to Inspection by Public. All information received by the commissioner shall be kept open to public inspection at all reasonable hours, and the commissioner shall supply to any applicant upon payment of fee therefor copies of any papers or record with the commissioner, but the commissioner shall have power and authority to place in a separate file, not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public. An exemplification of the record under the hand of the commissioner, or of his deputy, shall be sufficient evidence of any record made or entered by or on file with the commissioner. A certificate under the hand of the commissioner or his deputy, showing that the securities in question have not

been recorded in the register of qualified securities, shall constitute prima facie evidence that such securities have not been qualified for sale pursuant to the provisions of this act, and shall be admissable in evidence in any proceeding, either civil or criminal, instituted under any of the laws or statutes of this state.

§ 50. Warnings to Public. The commissioner may when he deems it of public interest so to do, issue and give warnings in such manner as he thinks necessary to the public concerning securities being sold in this state.

§ 51. Fees Paid Into State Treasury—Expenses of Administration. All fees herein provided for shall be collected by the commissioner and shall be paid over to the State Treasurer to go into the general fund, except such fees as are paid directly to the expert inspector, auditor or accountant by the person examined which may be done when the commissioner first approves expert inspector, auditor or accountant and permits the person examined to pay the fees directly to him. All expenses of the administration of this Act, including salaries, clerk hire, postage, printing, stationery and the like shall be paid out of available funds in the treasury on the auditor's warrant for the payment of bills itemized and certified to as correct by the commissioner.

§ 52. Commission for Sale of Securities. It shall be unlawful for any person, firm, corporation or association to pay or agree to pay, directly or indirectly, in consideration for the sale of any of the securities included in this Act a commission or fee greater than twenty (20) per cent.

§ 53. Construction of Act. No trick, device, subterfuge or pretense shall be allowed to evade the operation or defeat the purpose of this law, and its provisions shall be liberally construed in order that the purpose and intention of the Act to protect the public from fraud, deceit, and imposition in the sale of the securities referred to in this Act, may be carried out.

§ 54. Penalty for Refusal to Obey Order of Commissioner. Any person who shall refuse to make answer to any competent and material question propounded to him by the commissioner, or his deputy, shall upon conviction in any court of competent jurisdiction, be punished by a fine not to exceed five hundred ($500) dollars, or by confinement in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 55. Penalty for False Statements. Any person who, under oath, makes a false answer to any competent and material question in any hearing before the commissioner, special inspection, examination or investigation, shall be guilty of false swearing, and upon conviction shall be punished as prescribed in Section 1174 of the Kentucky Statutes.

§ 56. Penalty for Filing False Statement with Commissioner. Any person who shall make or file, or cause to be made or filed with the commissioner under or in compliance with any of the provisions of this Act, any statement, document, or other paper sworn to by him and which is false in any material respect or matter, shall be deemed guilty of false swearing and upon conviction thereof shall be punished as provided for in Section 1174 of the Kentucky Statutes.

§ 57. Penalty for Sale of Securities of Insolvent Issuer. Any issuer or agent, salesman, dealer or broker of or for any issuer knowing such issuer to be insolvent, who shall offer to sell any securities issued by such issuer, or who shall make any sale of any such securities of and for such issuer, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction, shall be punished by confinement in the penitentiary for not less than one nor more than ten years. For the purpose of this section an issuer shall be deemed insolvent whenever the aggregate of his or its property shall not, at a fair valuation, be sufficient in amount to pay his or its debts.

§ 58. Penalty for Violations of this Act. Any person

who wilfully does, or aids or advises in doing any act that is not included in and punished by Sections 54, 55, 56 and 57 of this Act, and that is prohibited or made unlawful by any of the provisions of this Act, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than seven years.

§ 59. Constitutionality. Should the court declare any section or clause of this Act unconstitutional, then such decision shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this Act.

Statutes Repealed.

§ 60. That the following sections of Carroll's Kentucky Statutes, 1930 Edition, be and the same are hereby repealed, to-wit, Sections 165a-1 to and including 165a-22, and Sections 883e-1 to and including 883e-36, and all other sections of said Statute and all Acts or parts of Acts in conflict herewith.

§ 61. All funds in the State treasury to the credit of the banking department and to the Kentucky Securities Department are hereby transferred to the Banking and Securities Department of Kentucky, and the State treasurer is hereby directed to make such transfer upon the approval of this Act by the Governor.

Emergency.

§ 62. Because this Act repeals all existing laws pertaining to the banking department of the Commonwealth and all existing laws pertaining to the Kentucky Securities Department of the Commonwealth and abolishes said departments and creates a new department, combining the duties of the two former departments into one department, an emergency is declared to exist, and this Act shall take effect when enacted by the General Assembly of the Commonwealth of Kentucky into a law and approved by the Governor.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows. viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Robert Humphreys	O. M. Rogers
W. W. Booles	Silas Jacobs	J. M. Rose
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	Allie W. Young
J. S. W. Holloway	Dr. G. W. Ragan	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

ENROLLMENT REPORT

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, a bill which originated in the Senate, of the following title:

S. B. 174. An Act to repeal Sections 2, 3, 4, 5, 6 and 7 of Chapter 156 of the Acts of the General Assembly of 1930 and Chapter 159 of the Acts of the General Assembly of 1930, and enacting in lieu thereof an Act creating a commission of nine members each to serve four years, to be appointed by the Governor, and confirmed by the Senate, to be known as "The State Highway Commission of Kentucky;" providing for the qualifications, terms of office and appointment of its personnel; defining its powers and duties, both general and particular; providing for the compensation and expenses thereof, including the salaries, compensation and expenses of its officers and employees; dividing the Commonwealth into road districts and describing the same; defining the duties of the Attorney General and of the County Attorneys in relation thereto; accepting the provisions of the Statutes of the United States, now or which may hereafter be enacted in aid of the State in the construction and maintenance of rural post roads and other purposes; vesting in said commission the power to appropriate from the State Road Fund such sums as may be necessary to co-operate with the United States under any Federal Statute which is now or which may hereafter be enacted, and authorizing the State Treasurer to receive such money as may be paid to the Commonwealth of Kentucky by the United States in aid of the construction and maintenance of roads within this Commonwealth; and declaring an emergency to exist.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the Senate, to the Clerk.

Ordered that the Clerk deliver the enrolled bills and resolutions which originated in the Senate, and which had been signed by the presiding officers of the Senate and House of Representatives, to the Governor.

After a time, the Clerk reported that he had performed that duty.

Senator Gates F. Young moved that the Senate do now adjourn.

Said motion was agreed to.

TUESDAY, FEBRUARY 2, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Reverend W. E. Mitchell of the Baptist Church of Cadiz, Ky.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	J. S. W. Holloway	E. C. Moore
W. W. Booles	Robert Humphreys	Ray B. Moss
H. M. Brock	Wm. Isaacs	D. C. Naive
Edwin C. Dawson	Silas Jacobs	Marion F. Pogue
Dr. T. J. Edge	Alex E. Johnson	Dr. G. W. Ragan
Thos. C. Ferguson	L. C. Littrell	O. M. Rogers
Walter N. Flippin	Frank I. Lloyd	J. M. Rose
Chas. G. Franklin	Rev. C. D. McCaw	R. H. Royster
Perry B. Gaines	C.T.McCormick,Sr.	E. D. Stephenson
Arch Hamilton	Wm. Mehler	Joe Stewart

Thos. O. Turner	Sewell B. Williams	Allie W. Young
Fred C. VanHoose	W. A. Yates	Gates F. Young
F. M. White		—37

Senator Rose moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Mr. S. B. Knuckles.

Said motion was agreed to.

Senator Jacobs moved that the privileges of the floor be extended to Mr. and Mrs. Lee B. Keslor of Newport.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Messrs. J. W. Brown and Ray Neafer.

Said motion was agreed to.

Senator Brock moved that the privileges of the floor be extended to Mr. G. I. Roder.

Said motion was agreed to.

Senator Humphreys moved that the privileges of the floor be extended to Mr. Hall, of Wickliffe, and Mr. Craft, of Hopkinsville.

Said motion was agreed to.

Senator Lloyd moved that the privileges of the floor be extended to Mr. and Mrs. Wm. Brown.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Mr. R. E. Rodgers of Owensboro.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Hon. W. G. Riney and Hon. R. S. Wiekel of Owensboro.

Said motion was agreed to.

Senator Flippin submitted the following communication from sundry teachers of McCreary County.

Said communication reads as follows:

"We, the teachers of McCreary County, respectfully petition you to vote and use your influence against the repeal of the Equalization Fund Law."

To Committee on Education.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Pogue.

S. B. 292. An Act to add to the State primary highway system a road leading from Union County line, opposite Sturgis, Kentucky, to Dam No. 50 in Crittenden County, Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the State primary highway system

a road leading from the Iron Bridge on Tradewater River, opposite Sturgis, Union County, Kentucky, a road following, as nearly as practicable, the old Marion and Sturgis Road as far as possible, to reach Dam No. 50 on the Ohio River in Crittenden County, Kentucky.

This road shall be designated as State Primary Project No. —.

By Senator White.

S. B. 293. An Act providing for the protection and assistance of aged and needy persons in the Commonwealth of Kentucky, and prescribing penalties for violation of the provisions hereof.

To Committee on Public Health.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established and authorized a fund, payable out of moneys not otherwise appropriated from the State Treasury, for the benefit of aged and needy persons in the Commonwealth of Kentucky.

§ 2. Every person domiciled within the Commonwealth of Kentucky who shall comply with the provisions of this Act shall be entitled to a pension in old age. The amount of such pension shall be fixed by order of the Circuit Court of the judicial district within which the applicant resides, upon the filing of application therefor in said court, but in no event shall the pension exceed the sum of one hundred forty-four ($144.00) dollars per annum, and any order granting the application for a pension shall be subject to review in the Court of Appeals, upon an appeal prosecuted by the Commonwealth as now provided by law in other cases.

§ 3. An old age pension shall be granted only to an applicant who has attained the age of ninety years or over, who has been a citizen of and domiciled within the State of Kentucky for a period of at least twenty-five years next before making such application for pension. Provided, however, that no person shall be entitled to an old age pension who is a professional beggar, or who by manual labor or by his skill or knowledge of any profession, trade, or craft is able to earn any sum in excess of ..... dollars per annum, or who at the time of his application to the Circuit Court of his judicial district receives or is about to receive a pension from the United States or from any State or county within the United States, including the county of his residence, or from any State or foreign government, or from any source whatsoever, which when added to his earnings shall exceed the sum of ..... dollars, per annum, or who possesses property of the value of ..... dollars, or more, or who has an income from any source in excess of ..... dollars, per annum, or who is, or about to become, at the time of his application, an inmate of any State, county, or charitable institution within this State or elsewhere, or who has deprived himself directly or indirectly of any property for the purpose of qualifying for relief under this Act, or who has a child or other person responsible under the laws of this State for his support who is able to support such applicant.

§ 4. Upon the death of the person pensioned under the provisions of this Act, or of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension, together with three per cent (3%) annually, shall be allowed and deducted from the estate or estates of such persons by the court having jurisdiction to settle the estate or estates. The amount so recovered shall be paid into the State Treasury and shall become a part of the State Old Age Pension Fund.

§ 5. An applicant for pension under this Act shall file his application in writing in the office of the Clerk of the Circuit Court of the county within which he is domiciled, on

forms prescribed for that purpose by order or regulation of the State Treasurer, duly sworn to by applicant, and the burden shall at all times be upon the applicant to show that he is a person coming within the purview of this Act. An applicant whose application has been rejected by the Circuit Court may not again apply for a pension for twelve months thereafter. The Circuit Judge shall cause the Circuit Clerk to issue to each applicant to whom a pension is allowed a certificate stating the date on which the pension payments shall commence and the amount of each installment thereof, which may be paid either monthly or quarterly as the court in its discretion may determine. Each pensioner shall be required, upon motion of the Attorney General or of the Commonwealth's Attorney or County Attorney, to file from time to time reports as to his living conditions, and if it appears at any time that the applicant's circumstances have changed, the Circuit Court of the county in which he is domiciled at the time shall have the power and authority to revoke any pension certificate theretofore granted, but in the event that the applicant shall have removed to some other county, then it shall be the duty of the Clerk of the Circuit Court in which the certificate was granted to forward a certified copy of all papers in the matter to the Circuit Court Clerk of the county of the applicant's residence at such time.

§ 6. Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent device, obtains or attempts to obtain or aids or abets any person to obtain a pension certificate for himself or another, to which he or such other person is not entitled, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred ($500.00) dollars or imprisonment in the county jail for not more than one year, or punished by both such fine and imprisonment.

§ 7. This Act shall be strictly construed as against the applicant and liberally construed in favor of the Commonwealth of Kentucky, and the Auditor of Public Accounts in no event is authorized to draw his warrant for the payment

of any pensions except such as may be allowed in strict conformity with the provisions of this Act and upon the presentation to him of a certified copy of the pension certificate accompanied by certified copies of all papers filed with the application in the Circuit Court of the county in which the pensioner or proposed pensioner or applicant for pension is domiciled.

§ 8. This Act shall take effect on the first day of July, 1932.

§ 9. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator McCormick.

S. B. 294. An Act repealing Section 3 of Chapter 49 of an Act adopted by the General Assembly of Kentucky, March 22, 1922, entitled: "An Act to amend and re-enact Section 110 of Code of Practice in Criminal Cases, relating to the presence of persons before the Grand Jury."

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3, Chapter 48 of an Act adopted by the General Assembly of Kentucky, adopted March 22, 1922, entitled, "An Act to amend and re-enact Section 110 of the Code of Practice in Criminal Cases relating to the presence of persons before the Grand Jury."

Section 3 being as follows:

"Any person indicted by any Grand Jury for any crime or misdemeanor shall have a right to procure a copy of said

stenographic record or any part thereof by paying the prescribed fee for said report or any part thereof," be and the same is hereby repealed.

§ 2. All other parts of said Act embraced in Sections 1 and 2 shall continue and remain in full force and effect and the purpose of this Act is to only repeal Section 3 thereof, as above set out.

All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator McCormick.

S. B. 295. An Act to amend and re-enact Section 2554a-17, Kentucky Statutes, which is an Act creating a reward for furnishing information resulting in the arrest and conviction of persons for illegally manufacturing intoxicating liquors, so that said Act when amended and re-enacted shall read as follows:

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person or persons furnishing information resulting in the arrest and conviction of any defendant for illegally manufacturing intoxicating liquor shall receive a reward of $50.00 to be taxed as cost against the defendant or defandants so convicted, when allowed by the court trying the case.

By Senator McCormick.

S. B. 296. An Act to amend and re-enact Section 1893a-12, Kentucky Statutes, which is an Act providing for relief for the blind so that said section when amended and re-enacted will read as follows:

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That before any person shall be entitled to the benefits of this Act, such persons must have resided in the State of Kentucky not less than ten years and in the county of his residence not less than five years next before the application for relief is made. Such needy blind persons may thereafter file his or her application for relief in the office of the County Court Clerk, together with an affidavit sworn to by two reputable land owners in which the applicant is a resident in support of the facts contained in the application. The said County Court Clerk shall thereafter refer the applicant to the County Health Officer who shall diligently examine the eyes of the applicant and if said applicant is found totally blind, he shall report the facts of the case to the County Judge. If it is found that the applicant is totally blind and otherwise eligible according to the provisions of this Act, if determined by the County Judge, such Judge shall thereafter order the name of the applicant to be placed upon the list of the needy blind of the county.

By Senator McCormick.

S. B. 297. An Act to add to the primary system of public highways, a road leading from Homer Felts' on Armstrong Street, thence with the old Nashville pike to the intersection of the present Nashville pike at the top of Gardner's Hill.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary

system of State highways of the Commonwealth of Kentucky a road beginning at Homer Felts' on Armstrong Street, thence with the old Nashville pike to the intersection of the present Nashville pike at the top of Gardner's Hill.

The construction, maintenance, supervision and control of said road shall be subject to, and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

By Senator Rogers.

S. B. 298. An Act to amend Section 9 of Chapter 64 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1924, entitled, "An Act relating to registration for elections in cities and towns having a population of five thousand inhabitants or more," approved March 21, 1924.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 9 of Chapter 64 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1924, entitled, "An Act relating to registration for elections in towns having a population of five thousand inhabitants or more," approved March 21, 1924, be amended and re-enacted, so that when amended and re-enacted said Section 9 will read as follows:

Section Nine. The registration officers in each election precinct of this Commonwealth shall on the second Monday in September, 1932, proceed to register the qualified voters in

each precinct, as provided herein, and such registration officers shall, beginning on the second Monday in September, 1932, and every four years thereafter on said date, sit for two consecutive days between the hours of six (6) A. M. and seven (7) P. M. for the purpose of registering the qualified voters in each precinct as herein provided. Thereafter and each and every year when said officers are not required to sit for two consecutive days, such officers of registration shall sit in each precinct on the second Monday in September between the hours of six (6) A. M. and seven (7) P. M. for the purpose of permitting all qualified voters, who have not previously registered to do so.

§ 2. This Act shall take effect and be in force from and after its passage as provided by law.

By Senator Franklin.

S. B. 299. An Act relating to revenue and taxation; providing for a tax upon the sale of lubrication oils.

To Committee on Revenue and Taxation.

Said Bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The words "lubricating oils" as used in this Act shall mean and include all oils and greases ordinarily and practically usuable for the purpose of lubricating motor vehicles.

The word "person" as used in this Act shall mean and include every individual, co-partnership, corporation or association.

The word "distributor" as used in this Act shall mean and include any person, association of persons, firm or corporation wherever resident or located who shall import or

cause to be imported into this State for use or for sale lubricating oils as defined herein, and also any person, association of persons, firm or corporation who shall produce, refine, manufacture or compound lubricating oils for sale or use in this State.

The word "commission" as used in this Act shall mean the State Tax Commission.

§ 2. An excise tax is hereby imposed at the rate of five cents (5c) per quart upon all lubricating oils ordinarily and customarily sold in liquid form, and five cents (5c) per pound upon all lubricating oils ordinarily and customarily sold by weight, which may be sold or brought into or produced or manufactured in this State for purpose of sale or use therein. The tax hereby provided for shall be paid by the distributor at the time and in the manner hereinafter set out. Provided, that nothing in this Act shall be construed as authorizing or requiring the collection of such tax upon any lubricating oils after the same shall have been already once taxed under the provisions of this Act.

§ 3. All taxes collected under the provisions of this Act shall be paid into the State Treasury and shall be used for the construction and maintenance of the public highways. No other excise of license tax shall be levied or assessed upon the sale or use of lubricating oils by the State or any county, city, town or other taxing district.

§ 4. Every person engaged in business as a distributor at the time this Act shall go into effect shall, within ten days thereafter; and every person engaging in business as a distributor after the date when this Act shall go into effect shall, prior to the commencement of such business, file with the State Tax Commission a duly acknowledged application for registration and license to operate as such distributor. Such application shall set forth the name under which the distributor will transact business within the State of Kentucky; the location with street number and address of the principal office or place of business within the State, and if such dis-

tributor has more than one place of business within the State, the location of each place of business; the name and complete residence address of the owner, or the names and addresses of each of the partners if the distributor is a partnership, or the names and addresses of the principal officers, if the distributor is a corporation or association. It shall be unlawful for any person to engage in business as a distributor until he has registered with the Commission and obtained from it a license or authorization as provided for herein. The Commission may in its discretion grant or refuse license or authorization to any applicant, but before the Commission shall grant to any applicant a license to engage in business as a distributor it shall require a bond from such distributor in an amount which shall be sufficient, in the opinion of the Commission, to secure payment to the Commonwealth of the amount of all taxes, penalties or interest for which the distributor may become liable. Such bond shall be upon a form and with such surety as the Commission shall approve and shall be executed for the benefit of the Commonwealth and conditioned upon the prompt filing of true reports and the payment of all taxes, penalties and interest which may accrue. Provided, however, that a distributor who is also a gasoline dealer and required under the law to execute bond as such gasoline dealer, may be permitted to execute a single bond covering his liability for both the gasoline tax and the tax upon lubricating oils in the discretion of the Commission. The Commission shall have the right to demand a renewal of such bond annually in its discretion. The Commission shall have power to revoke and/or cancel the license of any distributor for cause upon hearing after five days notice to the distributor. The license certificate issued by the Commission as provided for herein shall not be assignable and shall be valid only for the distributor in whose name it is issued, and shall at all times be conspicuously displayed in the principal place of business of the distributor in this State. Any person who shall engage in the business of a distributor as defined herein without having registered with the Commission and secured from it a license as provided for herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less

than ten dollars ($10.00) nor more than five hundred dollars ($500.00). Each sale made without such license shall be deemed a separate offense.

§ 5. Every distributor of lubricating oils shall keep and preserve an accurate record of all sales, distribution and uses of such oils; and shall on or before the last day of each month transmit to the State Tax Commission under oath or affirmation on such forms as the Commission may prescribe, a report of the total number of quarts or pounds of lubricating oils sold, distributed or used in each county of the State during the preceding month, and shall accompany said report by remittance of the amount of tax due thereon.

§ 6. The State Tax Commission, in computing the amount of tax due under this act, shall allow to the distributor for keeping a record of the sale and distribution of lubricating oils and for collecting and paying tax thereon one per cent. (1%) of such tax reported and paid.

§ 7. Every railroad or other transportation company and every other person transporting lubricating oils by whatever manner from without the State to points within this State shall report to the State Tax Commission at least once each month and oftener if required by the Commission, on forms prescribed by the Commission, showing the name and address of each person, firm or corporation to whom deliveries of lubricating oils have been made, name and address of the original consignee if deliveries are made to any other than the original consignee, the name and address of the consignor, the point of origin, the point of delivery, the date of delivery, the quantity of each shipment, the manner of shipment and delivery and such other information as the Commission may require relative to the transportation and delivery of such lubricating oils. Such reports shall be so made as that the Commission will be fully advised as to all shipments of lubricating oil into this State. Failure upon the part of any railroad or other transporter to report to the Commission as herein provided shall constitute a misdemeanor, punishable by a fine of not less than one hundred dollars ($100.00) nor

more than one thousand dollars ($1,000.00) and the Franklin Circuit Court shall have jurisdiction to try such offenses.

§ 8. If any distributor shall fail or refuse to report or pay the tax at the time herein provided for, he shall, in addition to the amount of the tax, be liable for a penalty of twenty per cent. (20%) of the amount of such tax, which shall immediately attach and become due, and the total amount of the tax and penalty shall thereafter bear interest at the rate of six per cent. (6%) per annum from the date of said delinquency until paid. If such taxes are collected by proceedings in court an additional penalty of twenty per cent. (20%) of the total amount due shall be collected as is authorized under Section 4263 of Kentucky Statutes.

§ 9. The Commission, or any agent or representative thereof appointed in writing by it, is hereby authorized to examine the books, records, files and equipment of any distributor or other person pertaining to the business made taxable by this Act, and to that end shall have the power to examine witnesses under oath for the purpose of verifying the accuracy of any return made under the provisions of this Act or for the purpose of determining whether or not any tax is due by any distributor or other person under the provisions of this Act, and the Commission shall have the power to institute legal proceedings for the purpose of ascertaining the amount due and for the collection of the tax with penalties and interest thereon, and shall have such other power as may be necessary for the enforcement of this Act and the collection of the tax thereunder. The Commission may, at or after the commencement of an action for the purpose of collecting the amount of tax due with penalties and interest thereon, have attachment against the property of the taxpayer including garnishees without the execution of a bond upon the filing of an affidavit showing the nature of the claim, that it is just, the sum which the Commission believes it ought to recover for the benefit of the Commonwealth and that the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found.

§ 10. Any information gained by the Commission or any agent or representative thereof through the reports, examinations or investigations herein provided for shall be confidential, and any person divulging such information shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars ($500.00) provided, however, that this prohibition shall not extend to information required in prosecutions for making false returns or reports or in the prosecution of legal proceedings for the collection of any tax due under the provisions of this or any other law, or in prosecutions for any other infraction of the tax laws of this State.

§ 11. If any person shall fail or refuse to appear at the request of the commission to answer under oath or to submit to examination or refuse to the commission access to any books, records, files, papers or equipment, the commission shall certify such fact and the names of the witness so failing or refusing to appear, or refusing or denying access to any books, records, papers, files or equipment to the circuit court of the county having jurisdiction of the matter, and said court shall thereupon issue a summons for such person to appear at a place designated within the jurisdiction of the court on a day fixed and give such evidence and open for inspection such books, records, files, papers and equipment as may be required for the purpose of ascertaining whether or not any person has failed or refused to make a full, true and correct return under the provisions of this law; and the circuit court shall have in any such proceeding all the power of a court of equity in punishing for contempt. In order that the commission may have additional means of checking up the accuracy of the reports made, and determining the amount of tax due by any person, association, co-partnership or corporation, the records, books, and other documents of common carriers, relative to the transportation of lubricating oils, are hereby declared to be accessible to the State Tax Commission.

§ 12. Any distributor who shall fail, neglect or refuse to make the returns or shall refuse to permit the commission or its agents or representatives appointed by it in writing to

examine the books, records, files, papers and equipment of such distributor pertaining to the business made taxable by this act, or who makes any incomplete, false or fraudulent return thereunder, or who does or attempts to do anything whatever to avoid a full disclosure of the amount of business done shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one thousand dollars ($1,000.00) for each offense. Such penalty shall be in addition to the penalty hereinbefore imposed in section 8.

§ 13. The duty of enforcing and administering this act is hereby imposed upon the State Tax Commission and said Commission shall prescribe all forms for use in registering, making reports, executing bond and otherwise. The commission shall certify each month to the Auditor of Public Accounts the amount of tax collected from each distributor during the preceding month under the provisions of this act and shall accompany said certification with checks and remittances received by it in payment of said tax and penalties, if any. All costs and expenses incurred by the commission in the administration of this act shall be paid out of funds collected hereunder.

§ 14. No suit shall be maintained in any court to restrain or delay the collection or payment of the tax herein imposed upon any ground whatever, but the aggrieved taxpayer shall pay the tax as and when due, and may at any time within two years from the date of such payment, after demand for refund thereof, sue the Auditor of Public Accounts in an action of law in any court of competent jurisdiction to recover the tax so paid, with legal interest thereon, from the date of payment. If it is legally determined that said tax or any part thereof was wrongfully collected for any reason, it shall be the duty of the Auditor of Public Accounts then in office to issue his warrant on the Treasurer of the Commonwealth of Kentucky for the amount of such tax so adjudged to have been wrongfully collected, together with interest thereon, and the treasurer shall pay same out of the public road fund of the State. A separate suit need not be filed for such separate payment made by any taxpayer, and a recovery may he had in one suit

for as many illegal payments as may have been made, and which are not barred by the limitation of two years herein imposed.

§ 15. The provisions of this act are severable and if any of its provisions or any penalty provided by this act shall be held unconstitutional, such provision or the particular penalty held to be invalid shall not affect or impair the remainder of the act or such part of the penalties as are not held to be invalid and the decisions of the court shall not affect or impair the remaining provisions of this act or any of the other penalties anywhere in this act provided. It is hereby declared as a legislative intent that this act would have been adopted had any unconstitutional provisions or such invalid penalties not been included therein.

§ 16. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Dawson.

S. B. 300. An Act repealing Section 2739f-4, Kentucky Statutes, Carroll's 1930, Edition, including all and singular sub-sections thereof, being all of Chapter 26 of the Acts of the General Assembly of 1922; and enacting in lieu thereof an act creating a commission of five members to be known as "My Old Kentucky Home Commission," fixing the qualifications and terms of office of the members of said Commission, and prescribing the powers and duties of said Commission; and declaring an emergency to exist.

To Committee on Kentucky Statutes, No. 1.

Said Bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2739f-4, Kentucky Statutes, Carroll's 1930 Edition, including all and singular sub-sections thereof, being

Chapter 26 of the Acts of the General Assembly of 1922, be and the same hereby is repealed.

§ 2. There hereby is created a commission to be known as "My Old Kentucky Home Commission." The said Commission shall be composed of the Governor of the Commonwealth of Kentucky; and four members to be appointed by the Governor and confirmed by the Senate, each of whom shall be a resident of the Commonwealth of Kentucky, and must have resided in the Commonwealth of Kentucky for at least ten years next preceding his or her appointment, and must be reasonably conversant with the history of the Commonwealth of Kentucky. The Governor, as a member of said Commission, shall be entitled to a vote only in cases of tie vote among the other members. The members of the said Commission shall be appointed by the Governor immediately after the effective date of this act. The term of office of each member shall be four years from the date of appointment and qualification. Each and every member of said Commission shall be eligible for re-appointment. The position as member of said Commission shall not be construed as incompatible with any other official position or office within this Commonwealth. The members of said Commission shall serve without compensation; and a majority thereof shall constitute a quorum for the transaction of business. The Commission shall meet as soon as practicable after appointment, qualification and confirmation; and shall organize by electing one of its members as vice-chairman, and another as secretary. The Commission shall also elect a treasurer. The Governor shall be chairman.

§ 3. The Commission is hereby empowered and authorized to employ such assistants and employees as it may deem necessary to efficiently and economically discharge the duties imposed upon it by law; and it is empowered and authorized to fix the salary and compensation of those so employed, which salary or compensation shall be paid out of the State Treasury upon certification by the Commission to the Auditor of Public Accounts, and charged to the appropriation which may

be made by the General Assembly for the use and benefit of the Commission.

§ 4. All monies received by the Commission, no matter from what source, shall be deposited with the Treasurer of the Commonwealth of Kentucky, and shall be paid out only on proper certification made by the Commission to the Auditor of Public Accounts.

§ 5. The Commission shall have the right to receive donations and gifts for the improvement and/or maintenance of the property; and shall have the power to institute, promote and/or advance an "Old Kentucky Home Memorial Association," and provide for both life and annual membership therein, and fix the fees for such membership; but the fee for a life membership in such an association shall be $25.00 and the fee for an annual membership in such an association shall be $5.00. All sums received as a result of the payment of membership fees in such association, shall be used by the Commission for the improvement and maintenance of the said memorial, all vouchers to be paid through the office of the Auditor of Public Accounts and Treasurer of the Commonwealth of Kentucky. All gate receipts shall be handled in a like manner. No member of such "Old Kentucky Home Memorial Association" shall have any vote or voice in the management of the affairs of the Commission, but the names of all members of such association shall be kept upon an official register at "My Old Kentucky Home." The Governor is hereby authorized and empowered to appoint an Executive Committee, and such other committees as he may deem best.

§ 6. The regular meeting place of the Commission shall be at "My Old Kentucky Home" near Bardstown, Kentucky; but the Commission may hold other meetings in the State as may be deemed best. This Commission shall hold regular meetings at least every two months, and special or called meetings may be held when such a call is made either by the Governor or by three members of the Commission.

§ 7. The treasurer shall be required to execute a bond in

a sum of not less than Five Thousand ($5,000.00) Dollars, the bond to be approved by the Commission and the premiums on said bond shall be paid out of any funds at the disposal of the Commission. The treasurer, at the end of each month, shall deliver to each member of the Commission and to the Auditor of Public Accounts, and the State Treasurer, a written, itemized statement showing all receipts and disbursements of funds.

§ 8. Any vacancy in said Commission, resulting from death, resignation or other cause, shall be filled for the unexpired term thus vacated, by appointment to be made by the Governor.

§ 9. Nothing in this act shall be construed as revoking or withdrawing the acceptance of title to the estate known as "Federal Hill," together with all of the buildings and appurtenances thereon, including the mansion house, which estate is more particularly described in a deed of conveyance made on the 22nd day of March, 1921, by and between Mrs. Madge Frost, party of the first part, and the members of the Old Kentucky Home Commission, parties of the second part; which deed is of record in the office of the Clerk of the County Court of Nelson County in Deed Book No. 88 at page 580; which acceptance of title is expressly made by the General Assembly by Section 1, Chapter 26 of the Acts of the General Assembly of 1922.

§ 10. The Commission created and provided for in this act shall succeed to all the rights, powers, privileges and duties of the Commission appointed and provided for pursuant to the provisions of Chapter 26 of the Acts of the General Assembly of 1922, and shall succeed to and be vested with, as herein set out, the title to all the property, money, subscriptions, donations and endowments of said former Commission.

§ 11. If any section, clause, sentence, paragraph or provision of this act shall be held invalid or unconstitutional, such fact shall not affect the remainder of the act.

§ 12. Inasmuch as there is criticism as to the economical propriety of the expenditure of some of the funds of the present Commission, the Commission appointed under this act shall immediately take over the possession and control of said property; and because of that condition, an emergency hereby is declared to exist and this act shall take effect immediately upon its passage, approval by the Governor and the qualification of the commissioners herein provided for.

By Senator Dawson.

S. B. 301. An Act to establish and create a road beginning at Summerville in Green County, Kentucky, and run by way of Bengal, Taylor County, and Swinneyville, Taylor County and By Wood Lawn, school House in Taylor County thence on the Campbellsville and and Greensburg Highway to Campbellsville, Taylor County, Kentucky thence to Spurlington, Taylor county, Kentucky, thence to Merrimac, Taylor County, Kentucky, thence to the Lebanon and Liberty State Highway in Marion County by way of Ellis Gap.

To Committee on Roads and Highways.

Said Bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established and created as a part of the Primary road system of the Commonwealth of Kentucky a road beginning at Summersville in Green County, Kentucky, on the Greensburg and Hodgensville State Highway, thence by way of Bengal, Taylor County, thence by Swinneyville, Taylor County, thence to a point on the Campbellsville and Greensburg State Highway at Wood Lawn school house, thence with the Campbellsville and Greensburg Highway to Campbellsville, Taylor County, thence to Spurlington, Taylor County, thence to Merrimac, Taylor County, thence to a point on the Lebanon and Liberty State Highway in Marion County, Kentucky, by way of Ellis Gap.

The construction, maintenance, supervision and control of said road shall be subject to all of the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary road system.

Said road shall be known and designated as Project No. —.

By Senator Stephenson.

S. B. 302. An Act to repeal Section 4076a-2 of Carroll's Kentucky Statutes, 1930, Edition, relating to fees of county court clerks.

To Committee on Courts and Legal Procedure.

Said Bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4076a-2 of Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is repealed.

§ 2. This act shall become effective on the first Monday in January, 1934, and shall not apply to the county court clerks in office at the time of the passage of this act, or until the expiration of the term of office for which they were elected.

By Senator Gaines.

S. B. 303. An Act relating to licensing or taxing of vehicles in cities of this Commonwealth of the second, third, fourth, fifth and sixth classes used or let for hire, and used by farmers and manufacturers of farm products and delivered by vehicles not for hire in cities of the second, third, fourth, fifth or sixth classes.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No city of the second, third, fourth, fifth or sixth class in this Commonwealth, shall be authorized to charge or collect any license fee or tax of the owner of any vehicle used by him to transport and deliver his farm products in any city of the second, third, fourth, fifth or sixth class, or of any manufacturer who engages in buying, selling, or using farm products in the manufacture of his own products, or who transports and delivers into any city of the second, third, fourth, fifth or sixth class, such farm products either in the raw or manufactured state. Provided however, any city may impose a tax on the manufacturer at the place where said manufacturer is located.

All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Gates F. Young.

S. B. 304. An Act to amend and re-enact Section 762a-20, Kentucky Statutes, Carroll's 1930 Edition, relating to the writing of insurance through licensed agents within this Commonwealth, and prescribing penalties for violation of the provisions of this act.

To Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 762a-20 of the Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended and re-enacted, and as amended and re-enacted the same shall read

as follows: No insurance company shall write, place or cause to be written or placed, any policy or contract for direct insurance upon any property in this Commonwealth, except through a duly licensed resident local agent in this Commonwealth; provided, however, the words duly licensed resident local agent, as used in this section, shall not be construed to mean or to include, in any sense, any State or special agent or traveling and/or salaried employee of any stock fire insurance company doing business in this Commonwealth; and provided further that this section shall not apply to policies covering property in transit while in the custody of any common carrier, or to rolling stock or other property of any common carrier used and employed by it as a common carrier of freight or passengers; nor to policies of mutual insurance companies or inter-insurance associations on which no commissions are paid except to a home office manager or attorney in fact.

§ 2. Section 762a-20a. Nothing in this act shall apply to farm property.

§ 3. Section 762a-20b. None of the provisions of this act shall apply to assessment or cooperative associations or companies, mutual companies, reciprocal or inter-insurance exchanges, their attorneys in fact, or their agents, servants or employees or representatives.

§ 4. Section 762a-20c. Any person, firm, or corporation violating any of the provisions of this section shall upon conviction for such offense be fined in a sum not less than five hundred ($500.00) dollars nor more than one thousand ($1,000.00) dollars for each offense, and in the event that any such person, firm or corporation so offending shall be convicted and fined as herein provided, the Insurance Commissioner shall suspend the license to do business in this Commonwealth theretofore granted to any such person, firm or corporation for a period of not exceeding ninety days for the first offense, and upon conviction and fine as herein provided for a second offense, the Insurance Commissioner shall revoke the license of any such person, firm or corporation, and no

license to do an insurance business in this Commonwealth shall thereafter be granted to any such person, firm or corporation so offending for a second time, for a period of twelve months. Provided, however, that any order of the Insurance Commissioner suspending or revoking any license pursuant to the provisions of this section shall be subject to adequate court review upon the law or equity side of the docket in any court of competent jurisdiction within this Commonwealth

§ 5. It is hereby declared to be the intention of the General Assembly in the enactment of this law to regulate the writing of insurance within this Commonwealth by duly licensed resident local agents, excepting such other agents, servants, or employees as are specifically exempted herein from the operation of this act, but in so doing it is also specifically declared to be the intention of the General Assembly to enact each and everyone of the sections herein contained separately and independently of each other, and, therefore, in the event that any section of this act should be declared to be void or unconstitutional by any court of competent jurisdiction, such decision shall not affect the remainder of this act nor any other section hereof.

A message was received from the House of Representatives announcing that they had adopted the following resolution:

S. Res. 21. A Resolution of the General Assembly of the Commonwealth of Kentucky, memorializing Congress to provide a pension for widows and orphans of deceased ex-service men.

COMMITTEE REPORTS

Senator Pogue of the Committee on Kentucky Statutes No. 2, to which had been referred a bill of the following title:

S. B. 217. An Act to regulate hairdressing and cosmetology; to create the Kentucky State Board of Hairdressing and Cosmetology Examiners; to provide for the licensing,

and registration of hairdressers and cosmetologists; to empower said Board to enforce the laws, rules and regulations relative to hairdressers and cosmetologists.

Reported with expression of opinion that same ought to pass.

Senator Bondurant of the Committee on Insurance, to which had been referred a bill of the following title:

S. B. 9. An Act amending and re-enacting Section Fourteen of Chapter nineteen of the Acts of 1916, being an act entitled; an Act for Further Regulation of Fire Insurance Companies, Agents, Rates, fire Prevention, Etc., providing for the Statement with Application for License for Agent, defining and enlarging powers and duties of the Insurance Commissioner in relation thereto, and repealing all laws in conflict herewith; approved March the fifteenth, nineteen hundred and sixteen; which is now Section seven hundred and sixty-two-a-fourteen Carroll's Kentucky Statutes.

Reported with expression of opinion that same ought to pass.

Senator McCormick proposed the following resolution:

S. Res. 22. Resolution authorizing Phillip Gilbert and Edna Gilbert to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Whereas, on November 6th, 1931, the State Highway Commission was engaged in the construction of a certain road in Todd County, Kentucky, and

Whereas, it is alleged that said Commission, through its agents, workers and employees, negligently left said road open for traffic and failed to mark obstructions and defects in said road, and

Whereas, the said Phillip Gilbert and Edna Gilbert, while

exercising ordinary care for their own safety, are alleged to have suffered severe injuries about their head, body and limbs, when the automobile which they owned, and in which they were riding, while traveling along said road, ran into a cut in the road and fell upon the tracks of the L. & N. Railroad Company, and

Whereas, said cut was left open by order of said State Highway Commission for the construction of an overhead bridge, and

Whereas, said severe injuries above mentioned are alleged to be permanent and said automobile was completely demolished by the alleged carelessness and negligence of said State Highway Commission, its agents and employees, and the agents and employees of the Commonwealth of Kentucky,

Now, in order to determine by judicial action the question of negligence causing said injury and damages aforesaid,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Phillip Gilbert and Edna Gilbert, and each of them, be, and they are hereby empowered and authorized to file and prosecute appropriate actions, severally and respectively, against the Commonwealth of Kentucky, and the State Highway Commission, or either, in the Todd Circuit Court, for such damages as they might have sustained, if any, by reason of the alleged accident and in such suit or suits each party is permitted to show all the facts and circumstances as to whether or not the employees, or any employee, of the State Highway Commission, or the Commonwealth of Kentucky, were negligent in failing to warn travellers, and particularly said Phillip Gilbert and Edna Gilbert, or in failing to close said road to traffic, or any other duty incident thereto, imposed by law; and

2. If the jury shall decide that there was negligence on the part of any such employee of the Highway Department, or

Commonwealth of Kentucky, and that as a direct and proximate result thereof the said Phillip Gilbert and Edna Gilbert received said injuries, and said damage to their automobile, then they, and each of them, may recover from the Commonwealth such sum as will fairly compensate each of them for said injuries, and damages to said car. In the event any judgment is recovered by either of said parties in said suit or suits as damages, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer. The Commonwealth of Kentucky and the State Highway Commission, or either, shall have the right to appeal as in any other civil case.

To Committee on Kentucky Statutes No. 1.

Senator Turner proposed the following Senate Resolution:

Whereas the flooded condition of the Cumberland River at Canton in Trigg County makes it impossible to cross by ferry and causes much danger to the traveling public; and

Whereas, the State bridge at Canton is now complete and can be used without in any way endangering the structure, now, therefore,

Be it resolved by the Senate of the Commonwealth of Kentucky:

That the Governor be and he is hereby requested to immediately direct that the bridge at Canton be opened for the traveling public as a matter of convenience and necessity until further orders of the State Highway Commission relative to the appointment of toll-takers and other employees charged with the care and maintenance of same.

The question being taken on the adoption of the resolution, it was decided in the affirmative.

Said resolution was adopted.

Senator Stewart proposed the following resolution:

S. Res. 23. Joint Resolution for the benefit of the City of Hardinsburg, and authorizing the State Highway Commission of Kentucky to ascertain the cost of construction of Federal Highway No. 60 through the corporate limits of said city over the route hereinafter described, and to pay the amount thereof to the City of Hardinsburg.

Whereas, the State Highway Commission has constructed Federal Highway No. 60 up to the corporate limits of the City of Hardinsburg on both sides of said city, and

Whereas, the City Council of said city, without electing to act under and in pursuance of the terms and provisions of Chapter 178 of the Acts of 1928, has constructed or caused to be constructed, by an ordinance duly enacted after the construction of Federal Highway No. 60, a street running through said city, upon the ten year bond plan, as provided by Kentucky Statutes, Section 3706, of a type of construction different from the type theretofore constructed by the Highway Commission up to the corporate limits on either side of said city, said street being eighty-four one hundredths (.84) miles in length and described as follows: Depot Street from easterly city limits to Main Street; Main Street from Depot Street to Owensboro Avenue; Owensboro Avenue from Main Street to Westerly city limits, and

Whereas, the City of Hardinsburg now desires to avail itself of the provisions of Chapter 178 of the Acts of 1928: Now, therefore, be it enacted by the Senate (the House of Representatives concurring):

That the Commonwealth of Kentucky, by and through its agent, the State Highway Commission of Kentucky, be and it hereby is authorized to ascertain the actual cost of the construction of Federal Highway No. 60 over the route within the corporate limits of the City of Hardinsburg hereinabove described, and after having done so, the State Highway Commission of Kentucky be and it hereby is authorized to enter

into a contract with said city wherein and whereby the State of Kentucky, by and through its agent, The State Highway Commission of Kentucky, as party of the first part, binds itself and agrees to pay to the City of Hardinsburg, as party of the second part, such sum as the State Highway Commission may, in its discretion, determine to be the actual cost of construction through the city for eighty-four hundredths (.84) miles of the same type of road already constructed by said Commission on Federal Highway No. 60 outside of the city limits of said city, and providing that the City of Hardinsburg shall pay or assume the cost of the additional cost of construction by reason of the higher type of road within the limits of said city, and the Auditor of Public Accounts, upon the due execution of said contract and filing of same in the office of the Secretary of State and upon presentation to the said Auditor of a certified copy thereof, be and he hereby is authorized to draw his warrant upon the State Treasurer payable to the order of the City of Hardinsburg for such sum as may be agreed upon, as provided in said contract and as provided by Chapter 178 of the Acts of 1928.

To Committee on Kentucky Statutes No. 1.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 111. An Act to amend and re-enact sections 280 and 281 of Chapter 8 of the criminal code of practice relating to bills of exceptions.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 280 of the criminal code of practice be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

Upon the trial of criminal or penal prosecutions, either party may except to any decision of the court by which the substantial rights of such party are prejudiced.

§ 2. That section 281 of the criminal code of practice be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

The decision of the court upon challenges, and for cause, or upon motions to set aside the indictment, shall be subject to exception.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The Yeas and Nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Perry B. Gaines	Frank I. Lloyd
W. W. Booles	J. S. W. Holloway	Rev. C. D. McCaw
Dr. T. J. Edge	Robert Humphreys	C.T.McCormick,Sr.
Thos. C. Ferguson	Wm. Isaacs	Wm. Mehler
Walter N. Flippin	Alex E. Johnson	E. C. Moore
Chas. G. Franklin	L. C. Littrell	Ray B. Moss

D. C. Naive	J. M. Rose	Thos. O. Turner
Marion F. Pogue	R. H. Royster	Fred C. VanHoose
Dr. G. W. Ragan	E. D. Stephenson	F. M. White
O. M. Rogers	Joe Stewart	—29

Resolved that the title thereof be as aforesaid.

Senator Stephenson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled:

S. Res. No. 2. Resolution for the relief of C. M. Greene, for mileage and expenses by him as agent for the Commonwealth of Kentucky.

Said resolution reads as follows:

Whereas, C. M. Greene in February 10, 1931, was duly appointed by the Governor of the Commonwealth of Kentucky as agent of the Commonwealth to go to Sacramento, California, to present requisition papers of this Commonwealth to the Governor of California and to bring back S. S. Little, a fugitive from the justice of this State, under indictment for felony in Daviess County, and

Whereas, said C. M. Greene duly performed his duty in the premises and presented the requisition papers of this Commonwealth to the Governor of California but who refused to honor said requisition and as a result the said C. M. Greene could not bring back to Kentucky said fugitive from justice.

Whereas, the said C. M. Greene, in performing his duty as agent aforesaid incurred expenses and traveled 513.5 miles, the regular compensation for which, including actual expenses, would be $380.45; and

Whereas, the Statute of this State as construed by the Court of Appeals did not authorize the payment of said expenses because the said fugitive was not brought back to the State.

Therefore, be it resolved, by the Senate and House of Representatives:

That the said amount of $380.45 be and is hereby appropriated to be paid to the said C. M. Greene, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount and deliver the same to C. M. Greene for the purpose aforesaid.

Senator White moved that the third reading of said resolution at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said resolution in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Perry B. Gaines	Wm. Mehler
W. W. Booles	J. S. W. Holloway	Ray B. Moss
H. M. Brock	Wm. Isaacs	D. C. Naive
Edwin C. Dawson	Silas Jacobs	Marion F. Pogue
Dr. T. J. Edge	Alex E. Johnson	Dr. G. W. Ragan
Walter N. Flippin	Frank I. Lloyd	O. M. Rogers
Chas. G. Franklin	Rev. C. D. McCaw	J. M. Rose

R. H. Royster	Fred C. VanHoose	Sewell B. Williams
E. D. Stephenson	F. M. White	Allie W. Young
Thos. O. Turner		—28

Those who voted in the negative were:

C. T. McCormick, Sr. —1

Resolved that the title thereof be as aforesaid.

Senator White moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 117. An Act amending Section 4426b-1, Kentucky Statutes, Carroll's 1930 Edition, being Section 1 of Chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4426b-1, Kentucky Statutes, Carroll's 1930 Edition, being Section 1 of Chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees, be and the same hereby is amended by repealing said section in its entirety, and enacting in lieu thereof the following so that said section as amended shall read as follows:

On and after the passage of this act three subdistrict trustees in county rural school districts shall be elected by the qualified voters of each such district, one of whom shall serve for a period of one year, one for a period of two years and

one for a period of three years. The election shall be conducted as now provided by law, and at the next regular election the three persons receiving the highest number of votes shall be elected subdistrict trustees for a term of one year, two years, and three years, each of whom shall hold office until his successor is appointed and qualified; and said three persons so receiving the highest number of votes shall determine by lot the respective term for which each shall serve, and a record thereof shall be filed with the County Superintendent of Schools of the county in which such election is held. At each succeeding regular election one subdistrict school trustee shall be elected for a term of three years, and he shall hold office until his successor is elected and qualified. Any vacancy or vacancies that may occur in the trusteeship of any school subdistrict shall, upon the recommendation of the county superintendent, be filled by appointment by the County Board of Education, and the trustee thus appointed shall hold office until the next regular election for subdistrict trustees. A majority of said trustees shall control in the performance of the duties imposed by law as now provided. One of their number holding the oldest commission shall preside as Chairman at any of their meetings.

All laws and parts of laws in conflict herewith are hereby repealed.

Senator Stephenson proposed the following amendments to said bill:

1. Amend Senate Bill 177 by adding at the end of line 18 of section 1 of the printed bill the following: "No persons shall be eligible to hold the office of sub-district trustee who is not a qualified elector in the sub-district and who cannot read and write a legible hand."

2. Amend Senate Bill 177 by striking out line 29 of section one of the printed bill.

3. Amend Senate Bill 177 by striking from the printed bill the following words from lines 11 and 12 of section one:

"conducted as now provided by law, and the next regular election," and substitute therefor the following words: "held as provided for in section 2 of this Act, and."

4. Amend Senate Bill 177, by adding at the end of line 28 of section 1, of the printed bill the following:

Section 2. That section 4426b-3, Carroll's Kentucky Statutes, 1930, edition, be and same hereby is amended and as amended shall read as follows:

The first election to be held under this Act shall be held on the first Saturday in July 1932, and an election shall be held on said day each year thereafter for the elections of sub-district trustees. The sub-district trustees then elected shall qualify and enter upon the discharge of the duties of their respective offices as soon as the vote can be examined and canvassed and certified by the county board of education. The election shall be held at the school house in the sub-district between the hours of 1 o'clock P. M., and 4 o'clock P. M., and shall be viva voce. The said election shall be conducted by two election officers, appointed by the county board of education, possessing all of the qualifications of electors in said sub-district and able to read and to write a legible hand. One of said officers shall act as clerk of the election and the other as judge of said election. The clerk of the election shall enter the names of all candidates for sub-district trustee on the poll sheets furnished and provided by the county superintendent of schools for said purpose and keep a record thereon of the name of each voter and for who he voted at said election. The poll sheets shall be properly certified by the election officers and turned over to the county superintendent within five (5) days after the election.

Section 3. All acts and parts of acts, laws and parts of laws in conflict herewith are hereby repealed.

Senator Stephenson moved that said amendments be adopted.

The question being taken thereon, was decided in the affirmative and

Said amendments were adopted.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	Marion F. Pogue
W. W. Booles	Silas Jacobs	Dr. G. W. Ragan
H. M. Brock	Alex E. Johnson	O. M. Rogers
Edwin C. Dawson	L. C. Littrell	R. H. Royster
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
J. S. W. Holloway	Ray B. Moss	Sewell B. Williams
Robert Humphreys	D. C. Naive	Allie W. Young

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Senator Stephenson proposed the following amendment to the title of said bill:

Amend Senate Bill 177, by striking out the title and sub-

stitute there the following title: An Act to amend Sections 4426b-1 and 4426b-3, Carroll's Kentucky Statutes, 1930, edition, and providing for the election of sub-district school trustees and prescribing the duties of the county superintendent of schools and the county board of education.

Senator Stephenson moved that said amendment to the title be adopted.

The question being taken thereon, it was decided in the affirmative.

Said title was amended.

Resolved that the title thereof be as amended.

Senator Bondurant moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 23. An Act to repeal and re-enact Section 4399a Sub-section 10 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools, and being Section 10 of an Act, entitled, "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members; providing for the election of a county superintendent by said board; fixing his qualifications, compensation and term of office; and prescribing his duties and fixing his bond; providing for the election of an attendance officer by the county board of education; providing for the levy of tax for common school purposes in each county; prescribing the duties of the county tax commissioner, the county court clerk, with reference to the assessment of the property subject to said tax and prescribing the duties of the county board of education and the fiscal court

levying said tax and prescribing the duties of the sheriff in collecting said taxes and making his settlement to the fiscal court; providing the manner of paying his commission for collecting same; prescribing the duties of the fiscal court with reference to making settlement with the sheriff for said tax; providing for the employment of teachers; providing for the appointment of district trustees and prescribing their duties.

Senator Jacobs moved that said bill be made a special order of the Day for February 3, 1932 at 10:30 A. M.

The question being taken thereon, it was decided in the affirmative.

Said bill was made a special order of the day.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 35. An Act relating to the fiscal administration of the Commonwealth of Kentucky, providing for interest-bearing negotiable State warrants, and the issual of interest-bearing negotiable treasury notes in anticipation of current revenue for the fiscal year; prescribing the duties of the State Treasurer, Auditor of Public Accounts, and the Budget Commission of the Commonwealth of Kentucky relative thereto; and repealing section 4688a-2, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 3 of Chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section 4688a-4, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 5 of chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section 4697, Kentucky Statutes, 1930, Carroll's Edition, section 4698, Kentucky Statutes, 1930 Carroll's Edition; and amending section 4688a-8, Kentucky Statutes, 1930, Carroll's Edition, as amended by section 9 of chapter 50 of the Acts of the 1916 session of the General Assembly of the Commonwealth of Kentucky, section 4689, Kentucky Statutes, 1930, Carroll's Edition; and section 22 of Chapter 170 of the Acts of the 1926 session of the Gen-

eral Assembly of the Commonwealth of Kentucky and being section 1992a-22, Kentucky Statutes, 1930, Carroll's Edition.

Said Bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Treasurer of the Commonwealth of Kentucky shall keep in his office a record book to be known as the "Cash Ledger." This record book of the office of the State Treasurer shall be provided for under the provisions of the Uniform Accounting Law of the State.

The State Treasurer shall upon receiving revenues and funds of the Commonwealth of Kentucky distribute the same to the proper budget funds on his Cash Ledger, according to the terms of the State Budget, and as provided by law.

The Cash Ledger of the State Treasurer shall be a duplicate of the budget ledger maintained as a part of the records of the Auditor of Public Accounts as to budget funds of the State.

All checks drawn by the State Treasurer in payment of State obligations shall be charged on the Cash Ledger by the State Treasurer to the budget fund from which it is payable. The State Treasurer shall keep a daily balance of cash in pencil in a column on said Cash Ledger providing for said daily balance.

§ 2. The State Treasurer shall issue his check in payment of all State warrants when presented for payment, if there is sufficient money on hand belonging to the budget fund or funds out of which the State warrants so presented are payable.

If the State Treasurer shall have insufficient funds on hand belonging to any budget fund or funds, out of which State warrants are payable, at the time the State warrant or

warrants are presented for payment, the State Treasurer shall fill in the blanks to be provided on said warrant giving said warrant a due date and providing the rate of interest to be paid on the warrant, to-wit: "Negotiable and payable at ————, of ————, Kentucky, on or before the —— day of ——, 19—, with interest at —— per cent from the —— day of ————, 19—— until paid. Subject to be called for payment on notice."

All interest-bearing warrants shall be negotiable and shall be made payable at the office of the State Treasurer or at a State depository in the discretion of the Treasurer. All interest-bearing State warrants shall bear interest at a rate not in excess of five per cent per annum from date said warrant is made interest-bearing until paid.

The rate of interest upon all interest-bearing warrants shall be fixed by the State Treasurer with the advice and consent of the Budget Commission of the Commonwealth of Kentucky. The interest rate so fixed shall be at the lowest rate possible considering the money market at the time State warrants are made interest-bearing as provided for herein.

The due date of each interest-bearing warrant shall be fixed by the State Treasurer from his knowledge of when current revenues for the fiscal year may be expected to accrue to produce available funds for the payment of interest-bearing warrants, and if to be paid from funds derived from other sources, from his knowledge when said funds may be expected to be received by the State.

The general policy of the Treasurer's office in conducting the fiscal administration of the Commonwealth of Kentucky shall be determined by the State Treasurer by and with the advice and consent of the Budget Commission of the Commonwealth of Kentucky.

§ 3. The State Treasurer shall keep in his office a record book to be known as the "Interest-Bearing Warrant Record,"

which shall be provided for under the provisions of the Uniform Accounting Law of the State.

The State Treasurer shall enter all interest-bearing State warrants upon this record before they are delivered to the person entitled thereto, and shall be entered upon said record under a budget heading which shows the budget funds from which the interest-bearing State warrants so entered are payable. The records shall show the date of each interest-bearing State warrants so entered, serial number, amount, and to whom issued, and the due date thereof. As interest-bearing warrants are paid, the State Treasurer shall stamp each warrant paid as provided for in this Act, and shall thereupon enter on said record the date of payment of the warrants, to whom paid, together with the amount of interest paid on each warrant.

§ 4. The State Treasurer of the Commonwealth of Kentucky, by and with the advice and consent of the Budget Commission of the Commonwealth of Kentucky, shall have the power and authority to anticipate revenue of the Commonwealth of Kentucky for the current fiscal year, and to borrow money upon the faith thereof to meet the current expenses of the State as they accrue, or to pay off and discharge interest-bearing State warrants becoming due and payable before sufficient revenues have accrued during the fiscal year to pay off and discharge said interest-bearing State warrants.

If the State Treasurer desires to borrow money under the provisions of this section, he shall with the advice and consent of the Budget Commission of the Commonwealth of Kentucky negotiate said loan or loans on the best terms possible at a rate of interest not in excess of five per cent per annum, and shall execute a note or notes of the Commonwealth of Kentucky as State Treasurer in his official capacity as Treasurer of the Commonwealth of Kentucky. Said notes so executed shall be known as "Treasury Note of the Commonwealth of Kentucky." All notes executed by the State

Treasurer under the provisions of this section shall be negotiable and shall be made payable to bearer, and shall show on its face the budget fund out of which it is to be paid. The due date of notes issued under this provision shall be fixed by the State Treasurer from his knowledge as to when funds will be available to pay the notes so issued.

If any of said notes become due and payable before the State Treasurer has the available funds on hand to pay off said note, or notes, becoming due and payable he shall have the power and authority to renew any note or notes that he is going to be unable to pay at maturity.

The State Treasurer has the power and authority to issue notes as provided for under the provisions of this section against one or more or all budget funds provided in the State budget.

All notes issued by the State Treasurer shall be countersigned by the Auditor of Public Accounts, and shall be charged by the Auditor of Public Accounts on his budget ledger against the budget fund from which the note or notes so issued are payable, in a column on said budget ledger other than the column in which warrants or contracts of the State are charged. All notes of the State issued under this section in excess of the budget fund from which they are payable shall be null and void. The signature of the Auditor of Public Accounts and the State Treasurer to said note or notes issued under the provisions of this section shall be construed to be their certificate that the amount of the note so issued is within the budget fund from which it is payable.

The Auditor of Public Accounts and the State Treasurer shall be liable on their official bonds for the amount of any note of the State issued under the provisions of this section in excess of the budget fund out of which the note is payable.

The State Treasurer shall have no power or authority to discount any note or notes issued under the provisions of this section for less than par and accrued interest.

§ 5. The State Treasurer shall keep in appropriate, well-bound books, to be provided for under the provisions of the Uniform Accounting Law of the State, a true account of all money paid into the State Treasury, by whom, when, how and on what account paid. The Treasurer shall keep the accounts of the sinking fund, common school fund and all other budget funds of the State distinct from each other. The Treasurer shall account separately for each budget fund of the State. The Treasurer shall keep a true account of all sums paid out, when, to whom, and for what paid, and shall also keep an account with each State depository, showing the amount deposited, the date deposited, as well as the amount checked out and the date thereof.

The accounts of the State Treasurer shall be so kept as to exhibit the amount received and disbursed on account of each and every budget fund or other fund of the State, and shall be so kept as to show a daily balance as to each of said funds.

The books, records and blanks required to keep the accounts of the office of the State Treasurer shall be formulated and furnished under the provisions of the Uniform Accounting Law of the State.

§ 6. That Section 4688a-8, Kentucky Statutes, 1930, Carroll's Edition, as amended by Section 9 of Chapter 50 of the Acts of the 1916 Session of the General Assembly of the Commonwealth of Kentucky, be and the same is hereby amended and as amended shall read as follows:

All State warrants are hereby declared to be negotiable instruments. No warrant or note of the Commonwealth of Kentucky shall be subject to taxation by the Commonwealth of Kentucky or any subdivision thereof.

§ 7. That Section 4689, Kentucky Statutes, 1930, Carroll's Edition, be and the same is hereby amended and as amended shall read as follows:

The Auditor of Public Accounts shall date and number consecutively his warrants, beginning the first day of July and ending the thirtieth day of June, inclusive, in each fiscal year, so as to exhibit the number, date and amount of each warrant, on what budget fund issued, and the stub of the warrant shall show the serial number of the warrant, amount, date and to whom issued. All warrants shall be made payable to bearer. All warrants issued shall show on their face the budget fund from which it is payable.

§ 8. The State Treasurer shall date and number his checks on each of the State depositories in the order in which they are issued, beginning the first day in July and ending the thirtieth day of June, inclusive, in each fiscal year. All of said checks when paid and returned to the State Treasurer by the State depository shall be filed and kept as a part of the records of the office of the State Treasurer.

§ 9. That Section 22 of Chapter 170 of the Acts of the 1926 Session of the General Assembly of the Commonwealth of Kentucky, and being Section 1922a-22, Kentucky Statutes, 1930, Carroll's Edition, be and the same is hereby amended and as amended shall read as follows:

The Auditor of Public Accounts shall keep as a part of the records of his office a budget ledger. The Auditor of Public Accounts shall, at the beginning of each fiscal year, credit the budget ledger with the funds, set apart and appropriated by the budget appropriation act to each department, board commission, institution, office, agency, society, association, service or other administrative organization of the State.

All warrants drawn by the Auditor shall designate the budget fund from which same is payable, and before said warrant is delivered to the person entitled thereto the same shall be entered upon the budget ledger as a charge against the budget fund from which same is payable. The entry shall show the date of the warrant, serial number, to whom issued and the amount thereof.

The Auditor of Public Accounts shall have no power or authority to issue a warrant in excess of any budget fund, and any warrant or warrants so issued shall be illegal, null and void as to the State.

The signature of the Auditor of Public Accounts to a State warrant shall be construed to be his certificate that the amount of said warrant is within the budget fund for the current year out of which it is payable and that the amount of said warrant has been entered on his budget ledger as a charge against said budget fund. The Auditor of Public Accounts shall be liable on his official bond for the amount of any warrant issued by him in excess of the budget fund from which it is payable.

§ 10. That Sections 4688a-1, 4688a-2, 4688a-3, 4688a-4, 4688a-7, 4697, Kentucky Statutes, 1930, Carroll's Edition, be and each of the aforesaid sections are hereby repealed.

§ 11. Whenever the State Treasurer has sufficient funds on hand in budget funds against which interest-bearing State warrants are outstanding to pay any of said warrants, he shall call for such number of warrants so outstanding by serial number in the order in which said warrants were issued, so that the aggregate amount of warrants so called does not exceed the amount of money on hand available for the purpose of paying the warrants so called for payment. The call of the State Treasurer shall be published for ten consecutive days in a daily newspaper published in this State, and no warrant so called for payment shall bear interest after the expiration of said ten days' publication. Nothing herein, however, shall prevent the payment by the State Treasurer of warrants outstanding if presented for payment without awaiting said publication.

§ 12. The State Treasurer shall make a clear, distinct and intelligible report of all money received and disbursed during each fiscal year ending the thirtieth day of June, which report shall be published annually, and which shall exhibit

the receipts and expenditures of each year on account of every department of the public service. The annual report of the State Treasurer shall account for each budget fund of the State separately by showing a detailed statement of receipts and expenditures.

The annual report of the State Treasurer shall give the name of each State depository, together with the amount of money deposited and the rate of interest paid by each of said depositories, and shall account to the State for all interest collected upon State funds deposited in State depositories.

The annual report of the State Treasurer required by this section shall be prepared and transmitted to the General Assembly by the sixth day of each regular session thereof.

§ 13. The provisions of this Act shall not be construed to affect the validity of any State warrant or warrants issued and outstanding prior to July first, 1932, or the provisions for the payment of interest thereon under Section 4688a-6, Kentucky Statutes, 1930 Carroll's Edition, as amended by Section 7 of Chapter 50 of the Acts of 1916 Session of the General Assembly of the Commonwealth of Kentucky.

§ 14. The State Treasurer shall have no power or authority to pay any warrants issued in a former fiscal year or years out of any budget funds other than the budget fund provided in the budget for the payment of said warrants so outstanding.

§ 15. This Act shall not become effective until the first day of July, 1932.

§ 16. If any section, paragraph or provision of this Act should be declared unconstitutional, the invalidity of such provision, paragraph or section shall not be construed to affect the validity of the remaining provisions, paragraphs and sections of this Act; it is declared to be the legislative intent to enact each provision, paragraph and section of this Act separately.

§ 17. All Acts and parts of Acts in conflict herewith are hereby repealed.

Senator Allie W. Young proposed the following amendments to said bill:

1. Amend Senate Bill 35 by adding at the end of line 35 of Section 2 of the printed bill the following: "Interest bearing negotiable warrants issued under the provisions of Section 2 of this Act shall not be issued in excess of ninety per cent of the amount of any budget fund or funds of the State. The State Treasurer shall require the Auditor of Public Accounts to certify to him the amounts of budget funds of the State to enable the State Treasurer to comply with the provisions of this section and to keep negotiable interest bearing warrants issued within the ninety per cent margin of said budget fund or budget funds as required by the provisions of this section.

"The State Treasurer shall be liable on his official bond for the amount of any interest bearing negotiable warrant issued in excess of ninety per cent of the budget fund from which said warrant is payable. An interest bearing warrant issued in excess of ninety per cent of the budget fund from which it is payable shall be null and void as to the State."

2. Amend Senate Bill 35 by striking out words "in pencil" in line 15 of Section 1 of printed bill.

3. Amend Senate Bill 35 by striking from the printed bill lines 29, 30 and 31 of Section 4 thereof and substituting therefor the following: "The State Treasurer shall have the power and authority to issue notes as provided for under the provisions of this section up to ninety (90%) per cent of the amount of any budget fund or funds provided in the State budget, but shall have no power or authority to issue notes in excess of the amount of ninety per cent of the amount of any budget fund or funds provided in the State budget."

4. Amend Senate Bill 35 by striking from the printed

bill lines 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47 of Section 4, and substitute in lieu therefor the following: "the State are charged. All notes of the State issued under the provisions of this section in excess of ninety per cent of the budget fund from which they are payable shall be null and void as to the State. The signature of the Auditor of Public Accounts and the State Treasurer to said note or notes issued under the provisions of this section shall be construed to be their certificate that the amount of the note or notes issued is within ninety per cent of the budget fund from which said note or notes are payable.

"The Auditor of Public Accounts and State Treasurer shall be liable on their official bonds for the amount of any note or notes issued under the provisions of this section in excess of ninety per cent of the amount of the budget fund out of which it is payable, as certified to them by the Budget Commission.

"The Auditor of Public Accounts shall certify the amounts of budget funds to the State Treasurer for the information of the State Treasurer to enable him to issue notes within the margin of budget fund or funds as required by the provisions of this section."

Senator Young moved the adoption of said amendments.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	O. M. Rogers
W. W. Booles	Silas Jacobs	J. M. Rose
H. M. Brock	Alex E. Johnson	R. H. Royster
Edwin C. Dawson	L. C. Littrell	E. D. Stephenson
Dr. T. J. Edge	Frank I. Lloyd	Thos. O. Turner
Thos. C. Ferguson	C.T.McCormick,Sr.	Fred C. VanHoose
Walter N. Flippin	Wm. Mehler	F. M. White
Chas. G. Franklin	E. C. Moore	Sewell B. Williams
Perry B. Gaines	Ray B. Moss	W. A. Yates
Arch Hamilton	D. C. Naive	Allie W. Young
J. S. W. Holloway	Marion F. Pogue	Gates F. Young
Robert Humphreys	Dr. G. W. Ragan	—35

Resolved that the title thereof be as aforesaid.

Senator Stephenson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924. The following amendments were offered:

By Senator Allie W. Young:

Amend by adding after line 37 the following:

No county adjoining said county in which a community hospital is located shall be required to contribute to the funds provided for herein until said question has been submitted to the voters of said county and a majority of said voters have declared for said appropriation.

By Senator Moore:

Amend Senate Bill No. 46 by striking out the words "is hereby authorized and it is hereby made its duty to make and" in lines 7 and 6, and insert in lieu thereof the word "may"; also by striking out the words "it shall be the duty of" in line 15. Also by inserting the word "may" in line 17 between the words "hospital" and "on." Also by striking out the words "Shall be the duty of the Fiscal Court" in lines 27 and 28 and insert in lieu thereof the word "may."

By Senator Jacobs:

Amend Senate Bill 46 by striking from the printed form in lines 6 and 7 the words "it is hereby made its duty to enter into a contract." Further amend said bill by striking therefrom in the printed form lines 15 to 37 inclusive.

Senator Yates moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 145. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of dentistry in the State of Kentucky, passed March, 1912.

The following amendment was offered. Amend Senate Bill 145 by striking in Section 9, line 214, of the printed bill, "three dollars" and inserting in lieu the words "one dollar."

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works; and further providing for definition of terms used, enforcement of and penalty for violation of this act. The following amendmenst were offered. Amend by striking out the words "and/or unless otherwise provided by law" in line 3, page 1, and insert in lieu thereof the words "by the provisions of this act." Amend by inserting in line 16, page 3, between the words "is" and "being" the words "to be or is." Amend by striking out the word "of" in line 3, on page 4, following the word "citizen" and adding in lieu thereof the words "domiciled within."

Amend Section 1, Paragraph B, following the words "shall contain" the following words shall be stricken out, "stipulation that no laborer or mechanic in the employ of the contractor, sub-contractor or other person, firm or corporation doing or contracting to do the whole or a part of the work

contemplated in the contract." Inserting in lieu thereof the words "provision stating the prevailing rate of wages which shall be paid to all laborers and mechanics to be employed by the contractor, sub-contractor or other person, firm or corporation doing or contracting to do the whole or a part of the work contemplated by the contract and a provision stating that no laborer or mechanic."

Amend Paragraph C by adding the words "shall be stated in the advertised specifications or proposal forms and," following the words "in connection therewith," and by adding at the end of the sentence following the words "wages herein provided," the following sentence, "should the contractor be ordered by the chief officer (as defined in Section 3 hereof) to increase or decrease wage rates from those originally provided in the contract, his compensation shall be adjusted in the same amount as his expenditures for wages will be effected by such change."

Senator Mehler moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 57. An Act to repeal and re-enact Section 2290-B, Carroll's Kentucky Statutes, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8) shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth. And providing for the enforcement of and penalties for violation thereof.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 107. An Act relating to jailers and providing for the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the sheriff of the county and providing for compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

The following amendments were offered:

Amend Senate Bill No. 107 by adding after line 11 of Section 4 thereof the following: Section 5. The provisions of this act shall not apply to counties with seventy-five thousand population or over. Amend Senate Bill No. 107, and line one of section five thereof by striking out the figure 5 and substituting in lieu thereof the figure 6. Amend Senate Bill No. 107 and line one of section 6 by striking out the figure 6 and substituting in lieu thereof the figure 7.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 132. An Act to amend Section 564, Sub-section 2, Kentucky Statutes, Carroll's Edition, 1915, relating to corporations.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 58. An Act amending section three thousand five hundred forty-five (3545) of Carroll's Kentucky Statutes, 1930 Edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond, and providing for his compensation, and authorizing the city council of cities of the fourth class to impose upon the city treasurer or the clerk of the council the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes. Amend Senate Bill 58, page 2, line 7, of printed bill, by striking out the word "shall" after council, and. substituting therefor the word "may."

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 63. An Act to repeal Sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of the General Assembly of 1914, being a portion of the act providing for the Commission Form of Government for cities of the third class, and the sections repealed by this act are now Sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof that the mayor, commissioners, police judge and prosecuting attorney of the Police Court of cities of the third class, shall be nominated and elected as now provided by law for the nomination and election of State and county offices.

Senator Williams moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 170. An Act defining school districts; setting out powers and duties of boards of education therein; indication procedure relating to the organization, control and operation of the common schools therein; providing for the general welfare of the public schools of the Commonwealth; providing for a uniform census every three years; exempting school pupils from toll on roads, bridges and ferries; repealing various scattering provisions of old law relating to division boards of education and other provisions covered by this act or not consistent with it, as follows: Sections 4426-1, 4426a-1, 4426a-2, Kentucky Statutes, Carroll's 1930 Edition. Sections 79, 82, 85, and 86 of Chapter 23, Acts of 1916; Section 3, Chapter 82, acts of 1926, Section 87, Chapter 23, acts of 1916, as amended by Section 3, Chapter 138, acts of 1918; Section 88, Chapter 24, acts of 1916; Sections 4404, 4449, 4434a-3, 3476a, 3587a-25, 4235a-38, 2978a-35, 4523, 4369, 4473, 4474, 4526b-2, 4526b-3, 4407, 4440a, and 4445, Kentucky Statutes, Carroll's 1930 Edition; Section 1, Chapter 37, acts of 1922; Sections 57 and 118, Chapter 24, acts of 1916; Chapter 80, acts of 1926; Sections 58, 59, 60, 62, 93, 100, 101, 102, 105, 106, 107, 112, 119, 122, 123, 125, and 135, Chapter 24, acts of 1916; Sections 2 and 3, Chapter 37, acts of 1922; Section 3, Chapter 139, acts of 1918; Section 3587a-18, Kentucky Statutes, Carroll's 1930 Edition, Section 14, Chapter 36, acts of 1920; and Sections 126, 127, 204, 205, and 208, of Chapter 34, acts of 1916, sections 4448 and 4519, Kentucky Statutes, Carroll's 1930 Edition, and Chapter 6, acts of 1920.

The following amendment was offered: Amend Senate Bill No. 170 by striking therefrom on page 1, the following expression: "exempting school pupils from toll on roads, bridges

and ferries"; and Section 1, Chapter 37, acts of 1922, and on page 2, Sections 2 and 3, Chapter 37, acts of 1922; also by striking from lines 15, 16 and 17, page 3, the following sentence: "Children so transported and other pupils going to and from these schools shall have toll-free passage over roads bridges and ferries."

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 21. An Act to re-enact and amend Chapter 35, Section 5 of the Acts of the General Assembly of 1930, requiring publishers and their agents to sell textbooks to dealers on a consignment basis.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 17. An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending sections nine hundred and twenty-nine, nine hundred and thirty-four of Kentucky Statutes, 1930, session of the General Assembly of the Commonwealth of Kentucky, nine hundred and thirty-five, and eighteen hundred and thirty-eight, Ken-

tucky Statutes, 1930, Carroll's Edition, and repealing sections nine hundred and thirty-eight, Kentucky Statutes, 1930, Carroll's Edition, and section eighteen hundred and forty A, Kentucky Statutes, 1930, Carroll's Edition, as amended by section one of chapter 67 of Acts of 1916, Session of General Assembly of Commonwealth of Kentucky; providing for the compensation of county treasurer, and the designating by the fiscal court of depositories for county funds and fixing of interest rates to be charged by the county; and providing for penalties for the violation of any of the provisions of this act.

The following amendments were offered: Amend Senate Bill No. 17, by adding at the end of line 19 of the printed bill, Section 17, the following: Provided, that the county treasurer shall not make county warrants interest bearing and negotiable in the aggregate as to any budget fund in excess of ninety per cent of the amount of any budget fund of the county. Any county warrant made interest bearing and negotiable by filling the blanks as provided in this section by the county treasurer in excess of ninety per cent of the amount of the budget fund or funds out of which said interest bearing warrant or warrants are payable shall be null and void as to the county, and the county treasurer shall be liable for the excess on his official bond.

The following amendment was offered: Amend Senate Bill 17 by striking out lines 36, 37, and 38 of Section 21 of the printed bill and substituting in lieu thereof the following:

Notes issued under the provisions of this section shall not be in the aggregate in excess of ninety per cent of the amount of the budget fund out of which they are payable, and the county treasurer shall be liable on his official bond for the amount of the excess of any note of the county countersigned by him in excess of ninety per cent of the budget fund out of which said note is payable. Any note issued in excess of ninety per cent of any budget fund of the county shall be null and void as to the county.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge, than six per centum per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of three hundred dollars or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and finds of the banking commissioner under this act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes, 1930, as applies to persons licensed under this act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes, 1930, and repealing all acts and parts of acts in conflict with the provisions of this act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 172. An Act defining plumbing, master plumbers and journeyman plumber in counties containing cities of the

first and second class of the Commonwealth of Kentucky; providing for examinations and issuing certificates to qualified registered master plumbers and registered journeyman plumbers and placing same under jurisdiction of the State Board of Health of Kentucky; and also granting to the State Board of Health of Kentucky the power to adopt and promulgate a code regulating the installation of plumbing, house drainage, sewerage and sewage disposal; designating the kind of materials and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage to be used in plumbing and drainage and the methods of their installation; prescribing the powers and duties of the State Board of Health in relation to this act and providing penalties for violation of the provisions of this act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Senator Allie W. Young moved that the Senate recess until 2:30 P. M.

Said motion was agreed to.

The Senate reconvened at 2:30 P. M.

Senator Moore moved that the privileges of the floor be extended to Mrs. J. W. Harlan, Dr. P. C. Sanders, Messrs. Shelby Best, S. C. Clay, Jerry Caldwell and Carlisle Minor of Danville.

Said motion was agreed to.

Senator Jacobs moved that the privileges of the floor be extended to Messrs. M. C. Swenford and Hanson Peterson.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be extended to Mrs. Hugh Christopher and Wm. Pearce.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 54. An Act to amend and re-enact Section 199A of Carroll's 1930 Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 Session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky, entitled "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," which Act became a law, March 24, 1906, without the approval of the Governor.

It was ordered that said bill be referred to the Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 Session thereof, as amended by Chapter 72 of the 1908 Acts, be amended and re-enacted so that the same when so re-enacted shall read as follows:

Section 1. The term "Burial Associations" within the meaning of this Act, shall mean and include all persons, individuals, firms, partnerships, co-operative and other kind of societies, corporations and organizations of every kind, which,

in the consideration of the payment of dues, fees, assessments or premiums, shall issue any kind of agreement, policy, contract bond, assurance or guarantee, or have in effect any by-law under which the insured is to be provided, in case of death, with a funeral or funeral expenses.

Section 2. It shall be unlawful for any association as herein defined, to issue or cause to be issued, any agreement, policy, contract, bond, assurance or guarantee, or have any by-laws which shall provide for the payment of any funeral benefit in merchandise or services, but all payments of benefits thereunder must be made in money.

Section 3. Every Burial Association, as herein described, shall, before commencing such business, or further continuing therein, execute articles of incorporation as now required by law, and file same in the office of the Insurance Commissioner of this State; but before same shall be filed, it shall be referred to, and examined by, the Attorney General, and if found by him to be comformable to the requirements of law and not inconsistent with the laws of this State, he shall certify accordingly and return same with his certificates of such conformity to the Insurance Commissioner, who shall cause said articles, with the certificate of the Attorney General, to be recorded in a book to be kept for that purpose, and shall deliver to such associations certified copies of papers so filed and recorded in his office, and all certificates of the Attorney General, together with license of said Associations, to engage in the business proposed in said declaration, upon such certified copy and license being filed in the office of the Clerk of the county wherein the association is to be located, said corporators and those who may become associated with them, or their successors, shall constitute a body, politic or corporate, and lawfully entitled to commence business.

Section 4. Each Burial Association, as defined in this Act, shall deposit with the Treasurer of the Commonwealth, securities to the amount of not less than One Hundred Thousand ($100,000.00) Dollars, to be held by the said Treasurer

for the benefit of the policyholders of the Burial Association making such deposit. Such securities shall be of the nature and kind in which domestic life insurance companies are allowed by law to invest their capital, but such associations shall have, at all times, on approval of the Insurance Commissioner, the right to exchange any part of such securities for other of like amount or character.

When any Burial Association shall discontinue business or when for any cause a dissolution shall be decreed, or when for sixty (60) days any judgment shall remain unsatisfied, a Circuit Judge in any county wherein said Burial Association has transacted business, may appoint a receiver to distribute its assets among its policy holders for any persons having claims against said association, the same to be applied first, on accrued or natural claims, certificates or policies; second, on claims of any other kind or character; third, in the payment to members or policy holders of all dues paid in by them, and if a balance remains after payment of the above named claims, then such sum is to be returned to said Burial Association.

Section 5. Such Burial Association, desiring to do business in this State, shall file with the Insurance Commissioner like power of attorney as is now required of Insurance companies, designating the Insurance Commissioner as proper person upon whom process may be served.

Section 6. All such Burial Associations doing business contemplated by this Act, shall pay an annual license tax of one hundred ($100.00) dollars to the State of Kentucky; such tax to be paid through the insurance department, as license tax is now paid by insurance companies; and in addition thereto such associations shall pay the same fees as assessment life insurance companies are now required to pay to organize in this State.

Section 7. All such Burial Associations shall, on or before the first day of March in each year, make and file with

the Insurance Commissioner report of the affairs and operations during the year ending December thirty-first immediately preceding. Such reports shall be upon blank forms furnished by the commissioner and shall be verified under oath by the authorized officers of such associations, and report shall be published, or substance thereof, in the annual report of the Insurance Commissioner, and shall report the number of outstanding policies, bonds and certificates, also the number of matured policies, bonds and certificates, and shall also report to said commissioner all other information connected with their business as said commissioner may require. Said commissioner shall have the right to make any examination of the books or affairs of such associations as is now given by law to the Insurance Commissioner in the examination of insurance companies in this State.

Section 8. If upon examination of such associations by the commissioner or any person designated by him to make such examination, it shall appear that the liabilities of said association exceed its resources, and it cannot in a reasonable time, not more than three months from the date of the original default, pay its accrued indebtedness in full, he shall report the facts to the Attorney General, who shall, upon the commissioner's report, apply to the Judge of the Franklin Circuit Court, or to the Judge of the Circuit Court of the county wherein such association is located, for an order closing the business of the association, and appointing a receiver for the distribution of its assets among creditors. No such final order shall be made until the association shall have ten days' notice of the application and an opportunity to be heard. And upon hearing the matter, the court shall have power to make any order which the interest of the association and the public may require.

Section 9. All policies, certificates or bonds hereafter issued to persons within the Commonwealth, by Associations transacting business under this law, which policies or certificates contain any reference to the application of the insured or the Constitution, by-laws or other rules of the association, either as forming a part of the policy or contract between the

parties thereto or having any bearing on said contract, shall contain or have attached to said policy or certificate a correct copy of the application as signed by the applicant, and the portions of the constitution, by-laws or other rules referred to, and unless so attached and accompany the policy, no such application, constitution, by-laws or other rules shall be received as evidence in any controversy between the parties to or interested in said policy or certificate, and shall not be considered a part of the policy or contract between such parties.

Section 10. Any Burial Association as herein defined, now in business or hereafter organized, failing to comply with the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars, and each day they shall so engage in business without complying with the provisions of this Act, shall be a separate offense, and the issuance of any agreement, policy, contract, bond, assurance or guarantee, or the enforcement of any by-law in violation of the terms of this Act, shall also be a separate offense, provided, however, that this Act shall not apply to fraternal societies, or fraternal beneficiary societies, nor to assessment, life and accident insurance companies or associations existing or operating under or by virtue of any statute of this State, nor to any society which pays sick or disability benefits and which limits its membership to a particular class of persons or to the employees of a designated person, firm or corporation.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 112. An Act relating to juries and amending and re-enacting sections 2249, 2251, and 2260, Carroll's Kentucky Statutes, 1930, Edition.

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 221. An Act to appropriate $12,500.00 for repairs of the executive mansion.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 34. An Act to amend section two thousand three hundred eighty (2,380) sub-section thirty-four, Baldwin's Revision of Carroll's Kentucky Statutes, 1930, being chapter 114 of the acts of the General Assembly of the Commonwealth of Kentucky at its session of nineteen hundred eighteen, relating to the issue of Drainage Bonds and the nature and payment of same, by providing for the issue of renewal or refunding bonds, the manner of issuing same and the nature and payment thereof.

The following amendments were offered: By Senator Gates F. Young.

Amend Senate bill 34 in line 14, page 2, by inserting after the word "may" and before the word "in" the following, "in counties having seventy-five or more drainage districts with a total construction cost of one million dollars or more." Further amend said bill on page 6 in line 152, after the word "may" and before the "in" the following, "in counties having seventy-five or more drainage districts with a total construction cost of one million dollars or more."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section two thousand three hundred eighty (2380),

sub-section thirty-four (34), Baldwin's Revision of Carroll's Kentucky Statutes (1930) being Chapter 114 of the Acts of the General Assembly of the Commonwealth of Kentucky at its session of nineteen hundred eighteen, relating to the issue of Drainage Bonds and the nature and payment of same, be and the same is hereby amended by appending thereto the following:

"That wherever bonds have been issued to anticipate the collection of the assessments and the various installments thereof which have been levied and assessed for the purpose of providing funds for the reclamation of lands and/or the construction, completion and maintenance of drainage districts and drains as provided herein and such installments or any part thereof shall not be paid on the date or dates of their respective maturities, then the Board of Drainage Commissioners may, in their discretion, give notice by publication in one issue of some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse, in the counties where the land assessed is located and at five conspicuous places in the drainage district, that they propose to issue renewal or refunding bonds for the purpose of raising funds to retire the outstanding bonds which were issued to anticipate collection of said installment; said notice shall set forth the amount of bonds to be issued, the rate of interest they are to bear and the time when payable. Any landowner then in default in the payment of his installment or any part thereof, and not wanting to pay interest on the proposed renewal or refunding bonds, may, within 30 days after the publication of said notice, pay the county treasurer the full amount of said installment together with interest from its date of maturity and have his land released therefrom.

Each and every person in default in the payment of said installment or any part thereof and the interest thereon, and owning land in the district in lieu for payment of same, and who shall not have fully paid the same on or before the expiration of 30 days from the publication of the notice provided for herein, shall be deemed as consenting to the issuing of the

refunding or renewal bonds as herein provided for, and in consideration of the right to pay said installment in the manner hereinafter provided for, he thereby waives his right to any defense against the collection of same.

At the expiration of 30 days after the publication of the notice herein provided for, the board of drainage commissioners shall divide said unpaid installment into sub-installments, not less than two nor more than 30, which shall bear interest at the rate of 6% per annum, payable annually from the date of publication, and may issue bonds to anticipate the collection thereof, which bonds shall mature in series to correspond with the said sub-installments into which the unpaid installment is divided and which bonds shall draw interest at the rate of six per cent (6%) per annum, payable annually, and be payable at some place to be designated by the board of drainage commissioners; and said bonds so issued shall be for the exclusive use and benefit of said drainage district, the proceeds thereof to be used to pay bonds issued to anticipate collection of said original installment, and said bonds shall designate on the face thereof the name of the said district and the purpose for which they were issued. The said installment and each subinstallment thereof, shall constitute a first and paramount lien, second only to State and county taxes upon the lands assessed in said district. The lien to secure payment of each and all of said sub-installments shall be of the same dignity and rank and in all respects co-equal with the lien of the original installments.

The said renewal or refunding bonds and the said sub-installments shall, with reference to the time and place of payment, the manner of collecting delinquent sub-installments, the certification to the sheriff, and in all other particulars not specifically set out herein, be governed in all respects by the provisions herein with reference to original installments.

Said section when amended and re-enacted shall read as follows:

At the expiration of thirty days after the publication, the

board of drainage commissioners may divide the unpaid assessment into annual installments, not less than two nor more than thirty, which shall draw interest at the rate of six per cent (6%) per annum, payable annually from thirty days after the date of publication, and may issue bonds to anticipate the collection thereof, which bonds shall mature in series to correspond with the said installments into which the unpaid assessment is divided, and which bonds shall draw interest at the rate of six per cent (6%) per annum, payable annually, and be payable at some place to be designated by the board of drainage commissioners; and the said bonds so issued shall be for the exclusive use and benefit of said drainage district, and shall designate on the face thereof the name of the said district and the purpose for which they were issued. The assessment, and each installment thereof, shall constitute a first and paramount lien, second only to State and county taxes upon the lands assessed in said district, for the construction of the work ordered to be done therein upon which the assessment has not been fully paid. The drainage commissioners, in dividing the unpaid assessment into installments, shall fix the time for the payment thereof in each respective year so that each installment shall be due at least one hundred and twenty days before the bonds in that series which have been issued to anticipate the collection of that installment shall become due, and it shall be the duty of each landowner whose land is in lien for the payment of said bonds to pay the installment due thereon against his land, with all interest due at that time on that installment and deferred installments, to the treasurer on or before the time fixed by the drainage commissioners for the maturity of the said installment. Upon the first Monday after the said installment is due, the board of drainage commissioners shall meet and ascertain the party or parties whose installment is in default, if any, and shall on said date issue warrants directed to the sheriff or other collecting officer directing him forthwith to collect the same in default. Said sheriff or collecting officer shall collect said installment with interest that is due on that and deferred installments, together with a penalty of six per cent (6%) thereon as State and county taxes are collected,

and settle therefor with said board of drainage commissioners within sixty days from the time the same were certified to him, and pay to said board the moneys so collected. And all lands upon which the said moneys due on the said installment have not been collected at the end of the said sixty days, the said sheriff shall forthwith advertise and sell in the same manner as is provided in the case of State and county taxes. The said sale so made to be subject to the future installments of the said assessments, and at the expiration of ninety days from the date of the original certification of the installment to the said sheriff or other collecting officer, the said sheriff or other collecting officer shall make final settlement with said board of drainage commissioners and pay to them all moneys in his hands, and in default thereof said commissioners may compel said sheriff to make said settlement by rule against him issued by the county court in which said proceedings are pending, after giving him five days' notice thereof in writing. In case any land or lands be not purchased at said sale, the said sheriff or other collecting officer shall purchase said land or lands for said district, and in his final settlement with said drainage commissioners shall take credit therefor. The sheriff or collecting officer shall certify each of said sales to the county court clerk, as required in the sale of lands for State and county taxes, and said clerk shall record such sale in the land sale book kept by him. For collecting the assessments so certified to him the sheriff or other collecting officer shall be paid by the said drainage commissioners the same fees allowed him for collecting State and county taxes in the same manner; and for recording said certificate of sale the said clerk shall be allowed and paid the same fees allowed him by law for similar work in reference to State and county taxes. The owner of such real estate, or his representatives, heirs or assigns, shall have the right to redeem said land from said sale as is now provided for the redemption of lands sold for State and county taxes, but only upon the same terms and conditions and within the same time as allowed in such cases. Any sheriff or collecting officer who shall fail to settle and pay off any installment of assessment with interest as herein provided, within the time as herein provided, shall be liable

to the board of drainage commissioners for said district for the full amount so certified to him, with interest, which may be collected from the sheriff or other collecting officer by rule issued against him by the county court in which the proceeding is pending on notice of five days in writing previously given to him in reference thereto. The sheriff or other collecting officer shall be liable upon his bonds for his acts done hereunder, and for the faithful performance of his duties prescribed herein.

The provisions herein do not deprive and are not to be construed as depriving the holders of the bonds from having all rights by mandamus or otherwise against the drainage commissioners, the sheriff and all other officers or agents of said district having duties to perform hereunder.

That wherever bonds have been issued to anticipate the collection of the assessments and the various installments thereof which have been levied and assessed for the purpose of providing funds for the reclamation of lands and/or the construction, completion and maintenance of drainage districts and drains as provided herein and such installments or any part thereof shall not be paid on the date or dates of their respective maturities, then the board of drainage commissioners may, in their discretion, give notice by publication in one issue of some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse, in counties where the land assessed is located and at five conspicuous places in the drainage district, that they propose to issue renewal or refunding bonds for the purpose of raising funds to retire the outstanding bonds which were issued to anticipate collection of said installment; said notice shall set forth the amount of bonds to be issued, the rate of interest they are to bear and the time when payable. Any landowner then in default in the payment of his installment or any part thereof, and not wanting to pay interest on the proposed renewal or refunding bonds, may, within 30 days after the publication of said notice, pay the county treasurer the full amount of said installment

together with interest from its date of maturity and have his land released therefrom.

Each and every person in default in the payment of said installment or any part thereof and the interest thereon, and owning land in the district in lien for payment of same, and who shall not have fully paid the same on or before the expiration of 30 days from the publication of the notice provided for herein, shall be deemed as consenting to the issuing of the refunding or renewal bonds as herein provided for, and in consideration of the right to pay said installment in the manner hereinafter provided for, he thereby waives his right to any defense against the collection of same.

At the expiration of 30 days after the publication of the notice herein provided for, the board of drainage commissioners shall divide said unpaid installment into sub-installments, not less than two nor more than 30, which shall bear interest at the rate of 6% per annum, payable annually from the date of publication, and may issue bonds to anticipate the collection thereof, which bonds shall mature in series to correspond with the said sub-installments into which the unpaid installment is divided and which bonds shall draw interest at the rate of six per cent (6%) per annum, payable annually, and be payable at some place to be designated by the board of drainage commissioners; and said bonds so issued shall be for the exclusive use and benefit of said drainage district, the proceeds thereof to be used to pay bonds issued to anticipate collection of said original installment, and said bonds shall designate on the face thereof the name of the said district and the purpose for which they were issued. The said installment and each sub-installment thereof, shall constitute a first and paramount lien, second only to State and county taxes upon the lands assessed in said district. The lien to secure payment of each and all of said sub-installment shall be of the same dignity and rank and in all respects co-equal with the lien of the original installment.

The said renewal or refunding bonds and the said sub-installments shall, with reference to the time and place of

payment, the manner of collecting delinquent sub-installments, the certification thereof to the sheriff and in all other particulars not specifically set out herein, be governed in all respects by the provisions herein with reference to original installments.

In view of the widespread delinquency of taxes due the various drainage districts throughout the Commonwealth and since there are at present numerous drainage districts which will be unable to retire outstanding drainage bonds at their respective maturities, and in view of the purpose of this bill, namely, to extend the time in which such installments of drainage taxes can be paid, an emergency is hereby declared to exist and this Act shall take effect upon its passage.

Senator Gates F. Young moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Gates F. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	O. M. Rogers
W. W. Booles	Alex E. Johnson	J. M. Rose
H. M. Brock	L. C. Littrell	R. H. Royster
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Fred C. VanHoose
Walter N. Flippin	Wm. Mehler	F. M. White
Arch Hamilton	E. C. Moore	Sewell B. Williams
J. S. W. Holloway	Ray B. Moss	W. A. Yates
Robert Humphreys	D. C. Naive	Gates F. Young
Wm. Isaacs	Dr. G. W. Ragan	—32

Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 194. An Act to amend and re-enact section 4636k-1 of the 1930 edition of Carroll's Kentucky Statutes, and which section is section 1 of Chapter 67, page 281 of the Session Acts for 1920.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4636k-1 of the 1930 edition of Carroll's Kentucky Statutes, same being section 1 of Chapter 67, page 281, of the Session Acts of 1920, be amended and re-enacted so that when done same shall read as follows:

"Section 1. That every person who was engaged in the

military or naval service of the United States of America during the war with Germany and her allies, which war was declared April 6, 1917, and who was at the time of his enlistment a resident of the State of Kentucky, shall be entitled to a free scholarship in either the State University, or the Eastern or Western Kentucky Normal Schools, West Kentucky Industrial College at Paducah, and the Kentucky Normal and Industrial Institute for Colored Persons as he or she may choose for a period required for the completion of the course of study selected by them. Said scholarship shall include free tuition, matriculation and other fees, room rent, fuel and light, and the advantages and privileges of the University or either of said Normal Schools, but same does not include free board."

Senator Humphreys moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Jas. H. Bondurant	Robert Humphreys	E. C. Moore
W. W. Booles	Wm. Isaacs	Ray B. Moss
H. M. Brock	Silas Jacobs	D. C. Naive
Edwin C. Dawson	L. C. Littrell	Marion F. Pogue
Dr. T. J. Edge	Frank I. Lloyd	Dr. G. W. Ragan
Thos. C. Ferguson	Rev. C. D. McCaw	O. M. Rogers
Walter N. Flippin	C.T.McCormick,Sr.	J. M. Rose
Chas. G. Franklin	Wm. Mehler	R. H. Royster

Joe Stewart	F. M. White	W. A. Yates
Thos. O. Turner	Sewell B. Williams	Gates F. Young
Fred C. VanHoose		—31

Resolved that the title thereof be as aforesaid.

Senator Humphreys moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the day a bill entitled:

S. B. 2. An Act to amend and re-enact section 1599a-11 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1599a-11 of the Kentucky Statutes compiled by the Honorable John D. Carroll, be amended and re-enacted, so that said Section as amended and re-enacted shall read as follows:

The State board of embalming may, upon sufficient proof of the violation of any of the provisions of this act, or of the violation by an embalmer or undertaker of any rule or regulation prescribed by the said board for the preparation, embalming, shipping, or burial of any dead human body or management of funerals, or any embalmer or undertaker who shall procure, or assist another in procuring registration either as an embalmer or undertaker for himself or another, by making or causing to be made any false representations as to the character or qualifications of any such applicant, or any embalmer or undertaker who shall be convicted of a felony, or

who is proven to be an addict to habit-forming drugs, or who is a habitual drunkard, revoke the license of the person so offending, after due notice to the offender and a full and fair hearing of the charges against him.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

W. W. Booles	Perry B. Gaines	D. C. Naive
H. M. Brock	Arch Hamilton	Marion F. Pogue
Dr. T. J. Edge	Robert Humphreys	O. M. Rogers
Thos. C. Ferguson	C.T.McCormick,Sr.	E. D. Stephenson
Walter N. Flippin	Wm. Mehler	Gates F. Young
Chas. G. Franklin	Ray B. Moss	—17

Those who voted in the negative were:

J. S. W. Holloway	Dr. G. W. Ragan	Fred C. VanHoose
Silas Jacobs	Joe Stewart	Sewell B. Williams
E. C. Moore		—7

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 34. An Act to amend section two thousand three hundred eighty (2380), sub-section thirty-four, Baldwin's Revision of Carroll's Kentucky Statutes 1930, being Chapter 114 of the Acts of the General Assembly of the Commonwealth of Kentucky at its session of nineteen hundred eighteen, relating to the issue of Drainage bonds and the nature and payment of same, by providing for the issue of renewal or refunding bonds, the manner of issuing same and the nature and payment thereof.

Senator Gates F. Young moved that said bill be passed and hold its place in the Orders of the day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 26. An Act to amend Section one thousand, one hundred and ten of Carroll's Kentucky Statutes, providing for changes of venue in criminal cases upon application of the defendant, and by providing for the payment of the costs on changes of venue made upon the application of the defendant in criminal prosecutions.

Senator Brock moved that said bill be recommitteed to the Committee on Courts and Legal procedure. The question being taken thereon, was decided in the affirmative and said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 27. An Act to amend Section one thousand, one hundred and twelve of Carroll's Kentucky Statutes, providing

for removals on change of venue in certain criminal cases from one county to another, and for the payment of the costs on such removals, and upon the trials after such removals are had.

Senator Brock moved that said bill be recommitted to the Committee on Courts and Legal Procedure. The question being taken thereon, was decided in the affirmative and said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 28. An Act to amend and re-enact Section one thousand, one hundred and nineteen of the Kentucky Statutes, providing for the payment of costs on changes of venue in criminal cases granted on the application of the Commonwealth, and providing that all the costs which would be borne by the county had the removal not been made, shall notwithstanding the removal be borne by said county from which the removal is made.

Senator Brock moved that said bill be recommitted to the Committee on Courts and Legal Procedure. The question being taken there, was decided in the affirmative and said bill was recommitted.

The Senate took up for consideration form the Orders of the Day a bill entitled:

S. B. 3. An Act to amend and re-enact Section 199A of Carroll's 1930 Kentucky Statutes and being Chapter 143 of the acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 Session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky," entitled, "An Act to amend Section 2 of an Act entitled, "An Act to regulate Burial Associations, corporations and companies doing

business in the State of Kentucky," which Act became a law, March 24, 1906, without the approval of the Governor.

Senator Littrell moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 113. An Act relating to juries and amending and re-enacting Section 2243, Carroll's Kentucky Statutes, 1930 Edition.

The Committee on Courts and Legal Procedure proposed the following amendment to said bill:

Amend Senate Bill No. 113 by striking from the printed bill line 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73 of section 1 thereof and substituting therefor the following:

Either party may except to the decision of the court upon challenge to the panel as a whole or any juror thereon for cause, and such decision of the court shall be subject to review by the Court of Appeals.

Senator Franklin moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2243, Carroll's Kentucky Statutes,

1930 Edition, be and the same is hereby amended and re-enacted and as amended and re-enacted shall reads as follows:

At each term of circuit court, of circuit courts having terms, within one year after the commencement of that at which said commissioners were appointed, the judge of the court shall, in open court, draw from said drum or wheel case a sufficient number of names to procure the names of twenty-four persons qualified as hereinafter prescribed, to act as grand jurors, and record the names of the twenty-four qualified upon paper, and certify and sign it, and shall also, after having locked and revolved or shaken said drum or wheel case, reopen it and draw therefrom the names of not less than thirty nor more than thirty-six persons, in the discretion of the judge, to act as petit jurors, record their names on paper, certify and sign it.

In courts having continuous sessions the judge shall, in open court, on Monday next before the Monday upon which they shall be summoned to appear, draw from said drum or wheel case a sufficient number of names to procure twenty-four persons, qualified as hereinafter prescribed, to act as grand jurors, and record the names of the twenty-four qualified upon paper, and certify and sign it; and in such courts the judge shall, in open court, every two weeks, on Monday next before the Monday upon which they shall be summoned to appear, draw from the drum or wheel case the names of not less than thirty nor more than thirty-six persons to act as petit jurors, record their names on paper, certify and sign it. The names of all persons drawn as grand and petit jurors shall be publicly announced, when drawn, and entered of record in the order drawn. The judge shall place said lists in separate envelopes, of good paper, and seal and indorse them so as to show that the envelopes contained jury lists, and the month or term, and in courts having continuous sessions, the weeks and year said jurors are selected for and date of selection, and sign his name across the seal of each and deliver them to the clerk of his court at the same time administering to him and his deputies the oath above required of them; from the list of twenty-four names the next grand jury shall be

drawn, and from the list of not less than thirty twenty-four jurors shall be selected who shall constitute the regular panel of the next petit jury. He shall destroy the slips on which are written the names placed on the lists as soon as said names are recorded on said list, and if, in drawing the twenty-four grand jurors, the name of a person not having the qualification of a grand juror be drawn, it shall be forthwith returned to the drum or wheel case, and if at any drawing the name of a person temporarily disqualified is drawn, it shall be replaced in said wheel case or drum; but if the name of any person permanently disqualified is drawn, the slip on which it is written shall be destroyed. Immediately after the judge has drawn said names from said drum or wheel case, he shall lock the same and deliver it and the aforesaid lists to the clerk as above directed. Sessions of a court having continuous sessions held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held, shall be deemed terms of court within the meaning of this section.

In circuit courts having continuous sessions and more than one judge, if the judge of any division be absent from the court, or cannot attend upon the day provided for the drawing of names for juries, any judge of any division of said court may attend and draw names for such juries in the manner above provided, and in circuit courts having continuous sessions, and only one judge, if such judge be absent from the court, or can not attend upon the day provided for the drawing of names for juries, he shall draw the names for the juries, as herein provided, upon the first day thereafter upon which he shall attend. Any special judge presiding at a term of court at which the regular judge is absent, or over any division of a circuit court having continuous sessions, may draw the names for said juries in the manner above provided.

The failure of the judge to draw the petit jury of twenty-four persons as provided for in this section shall be grounds for challenge of the whole panel or any juror thereon by any litigant in said court, and any litigant in said court shall have the right to except to the ruling of the court and said ruling

of the court on said challenge for cause of the panel or any juror shall be subject to review by the Court of Appeals.

No more than twenty-four petit jurors shall be certified to the Auditor of Public Accounts for their per diem for jury service during any term of court.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	Marion F. Pogue
W. W. Booles	Silas Jacobs	Dr. G. W. Ragan
H. M. Brock	Alex E. Johnson	O. M. Rogers
Edwin C. Dawson	L. C. Littrell	J. M. Rose
Dr. T. J. Edge	Frank I. Lloyd	R. H. Royster
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	Sewell B. Williams
J. S. W. Holloway	Ray B. Moss	W. A. Yates
Robert Humphreys	D. C. Naive	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A bill of the following title was introduced, referred and ordered printed, as follows, viz.:

By Senator Hamilton.

S. B. 305. An Act to fix and regulate jury fees where two or more cases are consolidated and tried together.

To Committee on Kentucky Statutes No. 1.

Senator Hamilton proposed the following resolution.

S. Res. 26. Resolution authorizing the Auditor of Kentucky to pay Leila L. Wilhoit for stenographic work performed by her for the State of Kentucky.

Said resolution reads as follows:

Whereas, on the 7th day of November, 1931, Flem D. Sampson, then Governor of the Commonwealth of Kentucky, appointed a Commission composed of A. A. Bablitz, of Lexington, and J. Smith Hays, of Winchester, to hear testimony in Harlan and Bell Counties, Kentucky, relative to the labor troubles growing out of the controversy between the mine owners and operators on the one side and the coal miners on the other; and

Whereas, the said Flem D. Sampson, as Governor, authorized and empowered said Commissioners to employ a shorthand reporter or reporters to take the testimony of the witnesses and transcribe the notes; and

Whereas, on November 16th, the said A. A. Bablitz, as

one of said commmissioners, employed Leila L. Wilhoit, a shorthand reporter of Lexington, Kentucky, to go to Harlan and Bell County and report the proceedings; and

Whereas, the said Leila L. Wilhoit, before leaving Lexington, called, by long distance telephone, the said Flem D. Sampson at his executive office in Frankfort, informed him that she had been employed by said Commissioner Bablitz, asked said Sampson if the fees would be paid for such work, and was told by him that they would be; and

Whereas, on November 17th, 1931, she went to Harlan County, where, for three days and two evenings she reported said hearings; then went to Bell County and for two days and one evening reported the hearings; and

Whereas, under the direction and order of said Commissioners Bablitz and Hays, she prepared a transcript of her shorthand notes, and delivered to said Commissioners and to the said Sampson, as Governor of Kentucky, an original and three carbon copies of said transcript, together with a synopsis of the testimony and a summarized report prepared by said Commissioners for the use and benefit of the said Sampson, Governor of Kentucky, twenty-four (24) volumes in all, for which she was promised adequate compensation; and

Whereas, in order to complete said transcript and deliver same to said Sampson, as Governor of Kentucky, before the expiration of his term of office, the said Leila L. Wilhoit, with a force of typists whom she employed, worked long hours, and completed said transcript in said time at great expenses and by strenuous labor, both mental and physical; and

Whereas, the fees charged are the regular statutory fees allowed for this character of work, and the claim is a just debt against the Commonwealth of Kentucky, no part of which has been paid; and

Whereas, there is no provision of law by which said debt may be recovered, either by an action allowed by the General

Assembly or by a direct claim against the Commonwealth of Kentucky; and

Whereas, there is no way by which same may be recovered by the said Leila L. Wilhoit except by direct appropriation of funds for said purpose,

Now, therefore, be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That there be and there is hereby appropriated for the use and benefit of Leila L. Wilhoit, out of the treasury of the Commonwealth of Kentucky, the sum of nine hundred and forty-eight and 65/100 dollars ($948.65), and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant up on the treasury of this Commonwealth for said sum payable to Leila L. Wilhoit; and the Treasurer is authorized and directed to pay said warrant in the usual and customary way, said appropriation and payment to be made because said amount is justly due and owing to the said Leila L. Wilhoit for services rendered to the Commonwealth of Kentucky and because there is no provision of law by which this sum may be collected by direct action against the Commonwealth of Kentucky.

The Commonwealth of Kentucky,

To Leila L. Wilhoit, Dr.
1931

Nov. 17-31—To reporting testimony before Messrs. Hays and Bablitz, Commissioners appointed by Governor Flem D. Sampson, in Harlan and Bell Counties, 5 days at $10.00 per day	$50.00
To transcript of testimony, 1913 folios at 20 cents a folio	382.60
To first carbon copy	191.30
To second carbon copy	191.30
To third carbon copy	95.65

To copying report of Commissioners, dictated by Judge Hays, 24 pages and 3 carbons .....$ 12.00
To copying synopsis of testimony, prepared by Mr. Bablitz, 43 pages and 3 carbon copies 25.80

Total $948.65

24 volumes in all were delivered, the original and 1 carbon to Governor Sampson, a carbon to each of the Commissioners. Judge Hays' report was written twice, no charge being made for the second draft.

Said resolution was referred to Committee on Kentucky Statutes No. 1.

Senator Bondurant proposed the following resolution:

S. Res. 25. Whereas, it has long been the custom of the General Assemblies of this Commonwealth to invite prominent statesmen to address them in joint session, and

Whereas, the Honorable Melvin A. Traylor is a native of Kentucky and an outstanding citizen of the United States, with an International reputation, who now resides in Chicago,

Therefore, be it resolved by the Senate, the House of Representatives concurring, that the said Honorable Melvin A. Traylor, of Chicago, be invited to address this General Assembly in joint session, at such time as may be most convenient to him.

It was ordered that said resolution lie on Clerk's desk.

Senator Allie W. Young proposed the following resolution:

S. Res. 24. Resolution of the General Assembly of Kentucky to provide for the appointment of a commission to suggest amendments to the Constitution of Kentucky; to pre-

scribe the powers and duties of said commission; to appropriate $10,000 to carry out the purposes of this Act.

Said resolution reads as follows:

Whereas, it is generally believed that certain amendments are needed to the Constitution of Kentucky, and

Whereas, it is the desire of the General Assembly of the Commonwealth of Kentucky to bring out what amendments are most necessary and to be desired; now, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and hereby is appointed a commission in the manner hereinafter prescribed to suggest amendments to the Constitution of Kentucky, which commission shall have the powers and duties hereinafter specified.

§ 2. The Commission aforesaid shall consist of twelve (12) qualified members, to be elected and appointed by the Governor, and at its first meeting shall elect one of its number chairman, and another secretary, and the Governor shall have power to fill vacancies in its membership.

§ 3. The commission aforesaid shall study the Constitution of Kentucky and propose in detail such revision of the same as they may be of the opinion will be for the best interest of the Commonwealth. The report of the commission shall be made to the General Assembly at a session to be called by the Governor, and shall show in detail every change or amendment suggested with amplified reason for the same. The report shall be published at public expense by not later than September 30, 1932, and a copy thereof sent to each member-elect of the Senate and of the House of Representatives before the convening of the next session of the General Assembly.

§ 4. The commission shall hold its meetings in the State

of Kentucky at such places and times as are suitable to it and each member thereof shall be entitled to his necessary traveling expense to and from such meetings.

§ 5. The commission aforesaid shall have authority to employ a clerk and all other necessary assistants, technical as well as clerical, and fix their compensation. All printing shall be done by the public printer and paid for out of the funds hereinafter appropriated.

§ 6. For the purpose of carrying out the provisions of this resolution, there is hereby appropriated out of the general fund in the State Treasury, not otherwise appropriated, the sum of ten thousand dollars ($10,000). The same shall be paid by the Treasurer of Kentucky upon warrants of the Auditor of Public Accounts, issued on vouchers signed by the chairman of the commission and countersigned by its secretary.

§ 7. This Joint Resolution shall be known as the Chandler Resolution. Whereby it is necessary that the commission shall begin its work as soon as practicable and have immediate use of said funds,

Therefore, an emergency is hereby declared to exist and this Joint Resolution shall take effect from and after its passage and approval by the Governor.

To Committee on Kentucky Statutes No. 1.

ENROLLMENT REPORT

Senator Stewart of the Committee on Enrollment reported that they had examined and found correctly enrolled, bills and resolutions which originated in the House of the following titles:

H. B. 245. An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories.

HOUSE RESOLUTION 10.

Memorializing the Congress of the United States to make adequate appropriations and appoint a Commission for the purpose of fittingly celebrating the sesqui-centennial of the Siege of Bryan Station and the Battle of Blue Licks.

HOUSE RESOLUTION 30

Resolution inviting International Typographical Union to establish its home in the State of Kentucky. Said Resolution was ordered to lie on Clerk's desk.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the Enrolling Clerk of the House of Representatives.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 116. An Act to amend and re-enact Sections 4645a-3 and 4645a-4, Carroll's Kentucky Statutes, 1930 Edition, relating to stenographic reporters in circuit courts not in continuous session and fixing and providing for the payment of the fees of said stenographic reporters in circuit courts not in continuous session.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4645a-3, Carroll's Kentucky Statutes, 1930 Edition, be and the same is amended and re-enacted, and as amended and re-enacted shall read as follows:

Upon any trial or proceeding in any civil, criminal or equity case in said court, if either party to the suit or their attorney shall request the services of said reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct such reporter to make a full report of the testimony and proceedings heard therein, whereupon it shall be the duty of the reporter to take full short-hand notes of such testimony and proceedings and, upon the motion of either party to the suit or proceedings or their attorney, to cause to be made a full and accurate transcript of the same, together with all depositions read which shall be filed among the papers to be used in making up the bill of exceptions to the court of appeals, and at the same time shall cause a full and accurate carbon copy of the transcript of testimony to be made, which copy shall be filed with the papers and remain in the office of the clerk of the circuit court as a public record. For said carbon copy in all civil, criminal or equity cases, the reporter shall be allowed one-fifth (1/5) the amount he is allowed for the original, to be paid for in the same manner as the original.

§ 2. That Section 4645a-4, Carroll's Kentucky Statutes, 1930 Edition, be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

(a) The fees of said reporters appointed under the provisions of this act, when serving in criminal cases, shall be six ($6.00) dollars per day for taking shorthand notes, provided, however, if said reporter is engaged in taking shorthand notes for less than a day or is engaged in taking shorthand notes in more than one case in any one day, then he shall be allowed the sum of one ($1.00) dollar per hour for the time actually engaged in said case or cases in any one day. The said reporter shall be allowed the sum of ten (10c) cents per hundred words for the original transcript thereof, which fees shall be paid, upon the order of the presiding judge of said court, by the county in which said criminal court is situated if the same is ordered by the court for the use of the Commonwealth's Attorney: if the transcript of the notes of

said reporter in any criminal case is ordered by the presiding judge upon the motion of the defendant or his counsel, the defendant shall be required to pay for the same if, in the opinion of the court, he is able to do so. If it shall appear that the defendant is not able to pay for such transcript, the court shall direct the same to be paid by the county, as heretofore provided.

(b) The fees of said reporters when serving in civil cases in said courts, shall be six ($6.00) dollars per day for taking shorthand notes, provided, however, if said reporter is engaged in taking shorthand notes for less than a day, or is engaged in taking shorthand notes in more than one case in any one day, then he shall be allowed the sum of one ($1.00) dollar per hour for the time actually engaged in said case or cases in any one day. The said reporter shall be allowed the sum of ten (10c) cents per hundred words for the original transcript thereof, which shall be paid forthwith by the party or parties in whose behalf such report or transcript is ordered and shall be taxed as part of the cost of the suit or proceeding; provided, however, that said reporter shall not be required to file any of said transcripts without payment thereof by the party or parties in whose behalf the same is ordered.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

The Committee on Courts and Legal Proceedings proposed the following amendments to said bill:

1. Amend Senate Bill No. 116, by striking from subsection A of section 2 of the printed bill, lines 5, 6, 7, 8, 9 and line 10 to and including the word "day" and substitute the following therefor: "act, shall be ten ($10.00) dollars per day."

2. Amend Senate Bill No. 116, by striking out of subsection B of section 2 of the printed bill, lines 23, 24, 25, 26 27 and the words in line 28 as follows: "cases in any one

day," and substitute therefor the following: "courts, shall be ten ($10.00) dollars per day.

Senator Stephenson moved the adoption of said amendments.

The question being taken thereon, was decided in the affiirmative, and

Said amendments were adopted.

Senator Jacobs moved that said bill be recommitted to the Committee on Courts and Legal Procedure for further consideration.

Senator Stephenson moved to amend said motion by the Senate taking up said bill at once.

The yeas and nays being demanded thereon, by Senators Stephenson and Flippin, resulted as follows:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	O. M. Rogers
W. W. Booles	Frank I. Lloyd	J. M. Rose
H. M. Brock	C.T.McCormick,Sr.	Sewell B. Williams
Edwin C. Dawson	D. C. Naive	W. W. Yates
J. S. W. Holloway	Dr. G. W. Ragan	Gates F. Young

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Those who voted in the negative were:

Walter N. Flippin	Wm. Mehler	E. D. Stephenson
Robert Humphreys	E. C. Moore	Joe Stewart
Alex E. Johnson	Ray B. Moss	Fred C. VanHoose
Rev. C. D. McCaw	R. H. Royster	F. M. White

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Therefore, said amendment to Senator Jacobs' motion was lost.

The question being taken upon the motion of Senator Jacobs to recommit said bill, was decided in the affirmative.

Said bill was recommitted to the Committee on Courts and Legal Procedure.

Senator McCaw moved that the Senate do now adjourn.

Said motion was agreed to.

WEDNESDAY, FEBRUARY 3, 1932.

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Dr. Chesterfield Turner of the First Baptist Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Robert Humphreys	Marion F. Pogue
W. W. Booles	Wm. Isaacs	Dr. G. W. Ragan
H. M. Brock	Silas Jacobs	O. M. Rogers
Edwin C. Dawson	Alex E. Johnson	J. M. Rose
Dr. T. J. Edge	L. C. Littrell	R. H. Royster
Thos. C. Ferguson	Frank I. Lloyd	E. D. Stephenson
Walter N. Flippin	Rev. C. D. McCaw	Joe Stewart
Chas. G. Franklin	C.T.McCormick,Sr.	Fred C. VanHoose
Perry B. Gaines	Wm. Mehler	F. M. White
Arch Hamilton	E. C. Moore	Sewell B. Williams
J. S. W. Holloway	Ray B. Moss	Gates F. Young

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Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be extended to Mrs. John McRoberts of Lancaster.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Garriett L. Withers of Dixon and L. V. Stone of Clay.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Messrs. Black, Snider, Thompson and Hume.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be extended to Rev. C. E. McClain, Mr. M. R. Hargan and Mr. and Mrs. John Scott.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Dr. Sanders of Mercer County.

Said motion was agreed to.

Senator Royster submitted the following communication:

Whereas, the State Legislature will have submitted to it for passage a certain bill tending to place the total cost of the construction of highways through towns and cities at the exclusive cost of the State, and which bill will make retroactive work recently constructed at the total cost of the State.

And, whereas, such highways are built and maintained almost entirely from funds derived from taxes on automobiles and gasoline, And, Whereas, the greater majority of cars are owned and operated by persons who reside in said towns and cities of the State, therefore paying most of the tax,

And Whereas, all small towns, especially are having a hard struggle to exist with all manner of tax burdens, and feeling that they are discriminated against in being required to construct or assist in constructing said highways which are built for the general public, and traveled by them and used but little by those being required to pay the bill and believing that is is fair, just and right that these highways should be built through towns and cities without cost to the abutting property owners who happen to reside on said highways,

Therefore, Be it Resolved, that we request, and urge our Representative and Senator to use all power and influence at their command to see that such a law is passed at this term of the General Assembly, assuring them that the City Council and the citizens at large are heartily in favor of such a law.

Adopted at the City Hall in Clay, Ky., February 1, 1932, J. B. Byrd, Mayor.

Attest: J. C. Hammack, City Clerk.

To Committee on Motor Vehicles and Transportation.

A message was received from the Governor announcing the appointment of Highway Commissioners for the Commonwealth.

Said message reads as follows:

To the Lieutenant-Governor and Senate of Kentucky:

Gentlemen:

Senate Bill No. 174, relating to the qualification and appointment of the "State Highway Commission of Kentucky," and dividing the Commonwealth into Road Districts, having been approved by the Governor, is now a law of this State, relating to the "State Highway Commission of Kentucky."

For the First Road District of Kentucky, I have appointed

W. C. Broadbent, of Cadiz, Trigg County, Kentucky, as Road Commissioner.

For the Second Road District of Kentucky, I have appointed G. L. Withers, of Dixon, Webster County, Kentucky, as Road Commissioner.

For the Third Road District of Kentucky, I have appointed Thomas S. Rhea, of Russellville, Logan County, Kentucky, as Road Commissioner.

For the Fourth Road District of Kentucky, I have appointed Ben Johnson, of Bardstown, Nelson County, Kentucky, as Road Commissioner.

For the Fifth Road District of Kentucky, I have appointed J. L. Donaldson, of Carrollton, Carroll County, Kentucky, as Road Commissioner.

For the Sixth Road District of Kentucky, I have appointed Charles Fennell, of Lexington, Fayette County, Kentucky, as Road Commissioner.

For the Seventh Road District of Kentucky, I have appointed A. P. Plummer, of Flemingsburg, Fleming County, Kentucky, as Road Commissioner.

For the Eighth Road District of Kentucky, I have appointed Zach Justice, of Pikeville, Pike County, Kentucky, as Road Commissioner.

For the Ninth Road District of Kentucky, I have appointed E. M. Gatliff, of Williamsburg, Whitley County, Kentucky, as Road Commissioner.

The above names are respectfully transmitted to the Senate of Kentucky for confirmation.

Your obedient servant,

RUBY LAFFOON,
Governor, Commonwealth of Kentucky.

Senator Franklin moved that the rules be suspended for the purpose of taking up the confirmation of Highway Commissioners.

Said motion was agreed to unanimously.

Senator Franklin moved that the Senate advise, consent and confirm the appointment of the following Highway Commissioners for the Commonwealth of Kentucky:

1st Road District of Kentucky, W. C. Broadbent, Cadiz, Trigg County.

2nd Road District of Kentucky, G. L. Withers, Dixon, Webster County.

3rd Road District of Kentucky, Thomas S. Rhea, Russellville, Logan County.

4th Road District of Kentucky, Ben Johnson, Bardstown, Nelson County.

5th Road District of Kentucky, J. L. Donaldson, Carrollton, Carroll County.

6th Road District of Kentucky, Charles Fennell, Lexington, Fayette County.

7th Road District of Kentucky, A. P. Plummer, Flemingsburg, Fleming County.

8th Road District of Kentucky, Zach Justice, Pikeville, Pike County.

9th Road District of Kentucky, E. M. Gatliff, Williamsburg, Whitley County.

Said motion was agreed to by Roll Call of Senate as follows:

Those who voted in the affirmative were:

Jas. H. Bondurant	Robert Humphreys	Marion F. Pogue
W. W. Booles	Wm. Isaacs	Dr. G. W. Ragan
H. M. Brock	Silas Jacobs	O. M. Rogers
Edwin C. Dawson	Alex E. Johnson	J. M. Rose
Dr. T. J. Edge	L. C. Littrell	R. H. Royster
Thos. C. Ferguson	Frank I. Lloyd	E. D. Stephenson
Walter N. Flippin	Rev. C. D. McCaw	Joe Stewart
Chas. G. Franklin	C.T.McCormick,Sr.	Fred C. VanHoose
Perry B. Gaines	Wm. Mehler	F. M. White
Arch Hamilton	E. C. Moore	Sewell B. Williams
J. S. W. Holloway	Ray B. Moss	Gates F. Young

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A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 17. An Act relating to the writing, for a charge or premium, of either fidelity or surety bonds, for and on behalf of non-resident of the Commonwealth of Kentucky by corporate surety companies, conditioned for the faithful performance by any principal therein named, of any obligation in such bond undertaken or referred to, for the performance in the State of Kentucky of any duty, contract or obligation in said bond undertaken or referred to, and requiring that such bond be executed or countersigned by a non-salaried agent of such surety, licensed and resident in the State of Kentucky, and requiring the payment by such surety to such agent of the full, usual and customary commission currently paid by such surety to such agent of the full, usual and customary commission currently paid by such surety on the premiums on such bonds, and providing penalties for the violation of this Act.

It was ordered that said bill be referred to the Committee on Insurance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be unlawful for any surety writing for a charge or premium either fidelity or surety bonds and conditioned for the faithful performance by a non-resident principal therein named, of any obligation in such bond undertaken or referred to for the performance in the State of Kentucky of any duty, contract or obligation in said bond undertaken or referred to unless said bond shall be executed or countersigned by non-salaried agents of such surety licensed and resident in the State of Kentucky, and unless such surety shall pay to such agents the full, usual and customary commission currently paid by surety to non-salaried agents on the premiums on such bonds.

Provided further that it shall be unlawful for any such licensed, resident, non-salaried agent to divide or share with any nonresident or non-licensed agent, or with any salaried agent or representative of the surety writing such fidelity or surety bond, any part of the commission which such licensed, resident, non-salaried agent may receive or to which he may be entitled under the provisions hereof.

Any surety violating any of the provisions of this Act shall be guilty of a misdemeanor, and shall be fined for each such violation not less than $100.00 nor more than $1,000.00, and upon conviction of such violation the certificate of authority of said surety to do business in the State of Kentucky shall be suspended by written order of the Insurance Commissioner of the State of Kentucky for a period in his discretion of not less than thirty nor more than ninety days, and

Provided further, that any resident agent, representative or officer of such surety violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined not less than $100.00 nor more than $1,000.00, and upon conviction his license to act as agent for any insurance company or for any surety or as an officer of any such surety compnay shall be

suspended by written order of the said Commissioner for a period in his discretion of not less than thirty nor more than ninety days.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 90. An Act to amend and re-enact Chapter 29 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1928 approved March 20, 1928, which was: An Act relating to fines and forfeitures in courts inferior to the circuit court except police courts and fixing the per centum of such fines and forfeitures to be paid out to the county and Commonwealth Attorneys, respectively, and repealing Sections 124 and 133, Kentucky Statutes, Carroll's 1915 Edition, and Section 2554a-43, Kentucky Statutes, Baldwin's Supplement to Carroll's 1922 Edition, being Section 43 of Chapter 33 of the Acts of the General Assembly of 1922, to the extent only of the conflict between this act and of said sections.

It was ordered that said bill be referred to Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 29 of the Acts of the General Assembly of the Commonwealth of Kentucky approved March 20, 1928, be amended by striking from the first literary paragraph thereof as same appears on page 162 of the published acts of the 1928 General Assembly the words, "where actually present and assisting in such prosecution," and re-enacted so that when amended and re-enacted said Chapter 29 of the Acts of the General Assembly passed at its 1928 session will read as follows:

"From all fines and forfeitures recovered in all prosecu-

tions before any county judge or magistrate, the county attorney shall receive from the treasurer forty (40%) per centum of such fines and forfeitures (and the Commonwealth's attorney shall receive forty (40%) per centum of such fines and forfeitures) when recovered and paid into the treasury, as provided by law, and provided, however, that if the judgment be for twenty-five ($25.00) dollars or less, exclusive of costs, the county attorney shall receive a fee of five ($5.00) dollars which shall be taxed as cost and belong to him.

All laws or parts of laws in conflict herewith and especially Sections 124 and 133, Kentucky Statutes, Carroll's 1915 Edition, and Section 2554a-43, Kentucky Statutes, Baldwin's 1926 Supplement, being Section 43 of Chapter 33, Acts of the General Assembly of 1922, hereby are repealed to the extent only of the conflict between this act and of said sections.

All laws or parts of laws in conflict herewith are hereby repealed.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 112. An Act to amend Section 2103, Sub-section 2 of Carroll's Kentucky Statutes so as to authorize judges of the city or police court to solemnize a marriage ceremony.

It was ordered that said bill be referred to Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of Section 2103, Sub-section 2, of Carroll's Kentucky Statutes as relates to persons authorized to solemnize a marriage be and the same is hereby amended by

adding after the words, "Judge of the County Court" the following words, to-wit:

Judges of the City or Police Court, so that so much of said Section 2103, sub-section 2, as relates to persons authorized to solemnize marriages which reads amended as follows, to-wit:

1. Ministers of the gospel or priests of any denomination in regular communication with any religious society.

2. Judges of the County Court, Judges of the City or Police Court, and said Justices of the Peace as the Governor of the State or the County Court may authorize.

3. Or, where either party belongs to a religious society having no officiating priest or minister, whose usage is to solemnize marriage at the usual place of worship, and by consent given in the presence of the society, it may be so solemnized.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 147. An Act applying to cities of the Fourth Class and providing means by which any city of the Fourth Class may adopt the City Manager form of government as provided in this act; and prescribing certain rules for the conduct of the affairs of such cities so adopting the same.

It was ordered that said bill be referred to the Committee on Classification of cities and towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled "An Act for the government of cities

of the fourth class in the Commonwealth of Kentucky,'' which was approved March 19, 1894, and thereafter became a law and the amendments thereto, which act and the amendments thereto now appear as Article V of Chapter 89 of the Kentucky Statutes in John D. Carroll's Edition thereof of 1922, be amended by adding thereto at the end thereof the following provisions:

§ 1. Any city of the Fourth Class under the laws of the Commonwealth of Kentucky may become organized and governed under the provisions of this Act by proceeding as hereinafter provided. Organizing under this Act shall not change the corporate entity of any such city, but the body politic and corporate remain the same body that it now is.

§ 2. All laws applicable to and governing cities of the Fourth Class and not inconsistent with the provisions of this act shall continue to apply to and govern the city that may organize under this act; and all by-laws, ordinances and resolutions in force in any such city and not inconsistent with the provisions of this act shall continue to be in force until altered or repealed in manner provided for in this act.

§ 3. The City Council of any city desiring to operate under the provisions of this act may elect to have said city operate thereunder by the adoption of an ordinance at any time prior to the 16th day of August, and said ordinance when thus adopted shall be the only action required for the acceptance of this act by said city unless there shall be filed in the County Court Clerk's Office of the county in which said city is located prior to the 15th day of September, a petition signed by one hundred legal, registered voters of said city demanding a referendum in said city on said proposition. If such City Council shall fail to adopt such an ordinance prior to the 16th day of August, a referendum may be secured on such proposition by the filing, prior to the 15th day of September, in the County Court Clerk's Office of the county in which said city is located a petition requesting same and signed by one hundred legal, registered voters of said city.

Where such referendum is requested by the filing of such petition, the question shall be submitted to the voters of such city at the regular November election in any year in substantially these words: "Are you in favor of adopting the City Manager Plan of City Government for the city of .....?" (Inserting the name of the city.) It shall be the duty of the County Court Clerk to have said question properly placed upon the ballots to be furnished to the voters of said city. A majority of the legal voters actually cast in said proposition shall determine the issue.

Whenever the city has elected to accept the City Manager Form of Government, the same shall take effect on the first Monday in March following the next regular election for city councilmen in said city; and the officers of the city in office at the time said plan is adopted, other than the Police Judge and City Council, shall hold over until the time for said plan to go into effect as above described.

The said City Manager Plan may be abandoned by taking the same steps as those required for its adoption, and the question to be submitted, should there be a referendum, shall be substantially as follows: "Are you in favor of discontinuing the City Manager Plan of City Government in the city of .....?"

§ 4. Any city operating under the City Manager Plan shall be governed by the following:

§ 5. The election of the Common Council or the Board of Commissioners, as the case may be, and the manner of the selection of the Police Judge, shall remain as now provided by law, or as may hereafter be fixed by ordinance.

§ 6. The mayor provided for by Section 160 of the Constitution shall be the City Manager, and he shall be selected by the Common Council at its first regular meeting after the first Monday in March after the first regular election of the Common Council after said plan goes into effect; and each

four years thereafter, as provided by the Constitution, he shall hold his office for a term of four years.

The City Council shall within thirty days after its organization advertise that it will receive applications for a Mayor or City Manager until its first regular meeting after the first day in March.

Said Mayor shall be chosen by the City Council solely on the basis of his executive and administrative qualifications and need not when appointed possess any greater qualifications as to residence of the city or state than are expressly required by the State Constitution for such offices. He shall be at the time of his election not less than twenty-four years of age. At the same meeting at which he is selected, an ordinance shall be adopted fixing his annual salary.

Said mayor may be removed for cause. Before his removal he shall be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this act to vest all authority and fix all responsibility for such suspension or removal in the council. The said mayor shall also be liable to indictment and punishment under the general laws relating to misconduct in office.

In case of absence or disability of the manager, the council may designate some qualified person to perform the duties of the office during such absence or disability.

§ 7. The said manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge either by this act or by ordinance; and he shall have power to appoint and remove all officers and employees in the administrative service of the city, but the manager may

authorize the head of a department or office responsible to him to appoint or remove subordinates in such department or office. Appointments made by or under the authority of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term, unless for temporary service not to exceed sixty days.

§ 8. Officers and employees appointed by the City Manager, or under his authority, may be removed by him or by the officer by whom appointed at any time. The decision of the manager or other officer in any such occasion shall be final and there shall be no appeal therefrom to any officer, body or court whatsoever.

§ 9. Neither the council nor any of its committees or members shall direct or request the appointment of any person to or removal from office by the City Manager, or any of its subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city.

Except for the purpose of inquiry, the council and its members shall deal with that portion of the administrative service for which the manager is responsible solely through the manager; and neither the council nor any member thereof shall give orders to any subordinate of the city, either publicly or privately.

§ 10. The Mayor or City Manager shall devote all of his time to the affairs of the city. It shall be his duty to act as the chief conservator of the peace within the city, to supervise the administration of the affairs of the city, to see that the ordinances of the city and the laws of the state are enforced, and make such recommendations to the council concerning the affairs of the city as may seem to him desirable, to keep the council advised of the financial condition and the future needs of the city, and, unless otherwise provided by law, to

prepare and submit to the council the annual budget estimate, to prepare and submit to the council such reports as may be required by that body, to perform such other duties as may be prescribed by this act or required by him by ordinance or resolution of the council.

§ 11. Until otherwise provided by ordinance, the city may continue to have a chief of police, a city clerk, a city treasurer, a city attorney, a city manager, chief of the fire department, a city assessor and such other officers as may be provided by statute or ordinance. All such officers shall be appointed and removed by the City Manager. In addition to the officers above named, provision shall be made by ordinance for such other employees as may be deemed necessary for the welfare and advancement of the city. The City Manager shall not be required to fill any of the offices herein named where the affairs of the city can be successfully conducted without them, and where practical the duties of two or more of these offices may be performed by the same person.

§ 12. The maximum compensation of each standing officer and employee of said city shall be fixed by ordinance, but it shall be competent for the City Manager, or the head of the department when so authorized by him, to make such appointment at a lower rate of pay.

§ 13. Unless otherwise specified by ordinance, the City Manager shall within the limits of the current appropriations have power to make contracts where the amount involved in such contract is not more than Two Hundred ($200.00) Dollars; and the City Council may by resolution in specific instances delegate to the Manager the power to make contracts where the amount involved in such contract does not exceed Two Thousand ($2,000.00) Dollars.

§ 14. The Council is authorized in any fiscal year to borrow money, but not in excess of its unexpended revenue for such year; and may pledge its revenue for the current year in payment of such loan or loans.

§ 15. The Council is authorized to provide by ordinance for a revolving fund to be placed in the hands of the City Manager for the payment of such labor, repairs, incidentals, supplies, and the like, as it may be necessary to employ or procure from time to time; and the City Manager shall from time to time, as provided by said ordinance, make proper account and submit proper vouchers for all expenditures from such fund.

§ 16. The City Manager shall supervise same personally; and he shall make a report to the County on the work done before such work is accepted.

§ 17. The City Manager shall see that a modern system of bookkeeping is installed and maintained, showing at all times the exact status of the financial affairs of said city and of each separate fund, and a condensed, logical report shall be published annually showing the receipts and expenditures in each fund and for the entire city.

§ 18. Before entering upon the duties of his office the said City Manager or Mayor shall execute bond in the penal sum of not less than Five Thousand ($5,000.00) Dollars, for the faithful performance of the duties of his office; and the Council may by ordinance prescribe additional conditions and greater penalty.

§ 19. Whereas, it is the purpose of this act by making the Mayor a City Manager and requiring him to give his entire time to the business of said city to relieve the City Council of administrative details and thereby secure more efficient administration, no part of this act shall be construed to be repealed by any act of this General Assembly which would place the fiscal affairs of the city solely in the hands of the Common Council; but the provisions of this act shall take effect notwithstanding the duties developing upon the Common Council by any other act enacted at this session; and the City Manager or Mayor shall perform the duties directed in this act notwithstanding that the same duties may be referred

to the Common Council in fourth class cities generally by such other legislation, if any.

§ 20. The purpose of the General Assembly in enacting this act for the City Manager plan of government is to enact each section separately, and should any question be declared unconstitutional such ruling shall not affect the act as a whole, unless such ruling shall nullify the essential provisions of this act and render operation under it impractical.

§ 21. All laws or parts of laws in conflict with this act are hereby repealed.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Lloyd.

S. B. 306. An Act to amend and re-enact Section 4148, Kentucky Statutes, Carroll's 1930 Edition, relating to the time and manner of payment of taxes.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4148, Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended by adding thereto the following proviso:

Provided, however, that the sheriff or collecting officer whose duty it is to collect or receive taxes may, at any time after the taxes mentioned in this section shall become due, receive less than the face amount of the tax bill and credit the same on account of the amount due, including the amount of interest and penalties then due, and all such payments shall

be credited upon the tax bill, or upon sheets annexed thereto for that purpose, and acknowledged in writing or by a rubber stamp, indicating the amount or amounts from time to time so paid to such sheriff or collecting officer.

So that said section as amended and re-enacted shall read as follows: All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment, and all taxpayers whose taxes are not paid on the thirty-first day of December after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent (6%) per annum from the thirty-first day of December after they are due until paid, and any person or persons failing to pay their taxes by the thirty-first day of December in the year following the assessment for such taxes, shall pay a penalty of six per centum (6%) additional on the taxes due and unpaid. Providing any taxpayers who pays his or her or its State, county or district taxes on or before September 1, after same becomes due in any year shall be entitled to two per cent (2%) discount thereon, and the collector, in case of all such payments will allow such reduction and give a receipt in full to the taxpayer. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes. Provided, however, that the sheriff or collecting officer whose duty it is to collect or receive taxes may, at any time after the taxes mentioned in this section shall become due, receive less than the face amount of the tax bill and credit the same on account of the amount due, including the amount of interest and penalties then due, and all such payments shall be credited upon the tax bill, or upon sheets annexed thereto for that purpose, and acknowledged in writing or by a rubber stamp; indicating the amount or amounts from time to time so paid to such sheriff or collecting officer.

By Senator Pogue.

S. B. 307. An Act to amend Section 7 of Chapter 35,

Acts of the General Assembly of 1914 (Section 415B-7, Kentucky Statutes, 1922-30), relating to pensions for Confederate soldiers.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 7 of Chapter 35, Acts of the General Assembly of 1914, the same being Section 415B-7, Kentucky Statutes, 1922-30, be and the same is now amended and re-enacted and when amended and re-enacted shall read as follows:

That when a person to whom a pension has been granted shall die, the amount due such pensioner at the date of his death shall be paid to an administrator who shall be appointed by the County Judge of the county where the pensioner resided at the time of his death, and also to such administrator the amount of funeral and burial expenses to the extent of not more than $100.00 in each case. The Commissioner of Pensions shall before the next succeeding date for the payment of pensions, furnish to said administrator a voucher for the amount due the pensioner at the time of his death, which shall be filled out and returned to said Commissioner, together with a properly verified claim of the undertaker for the funeral and burial expenses of the pensioner, which same shall be approved by the County Judge of the county in which said pensioner resided, or died or was buried, all of which shall by the Commissioner be filed with the Auditor of Public Accounts, who shall issue his warrant to the administrator for the unpaid portion of the pension, and a warrant to the claimant for the funeral and burial expenses, or in the latter case, upon proper and satisfactory proof of the fact, the warrant may be issued to any one paying such funeral or burial expenses.

The administrator shall distribute the pension money to such persons as are legally entitled thereto.

In case of the death of a pensioner who at the time of his death there is due no unpaid pension money, then the funeral and burial expenses shall be paid as is above provided.

The sums paid for funeral and burial expenses shall be paid out of any fund now or hereafter appropriated for Confederate pensions.

§ 2. All laws or parts of laws and Acts in conflict herewith are now repealed.

By Senator Bondurant.

S. B. 308. An Act establishing as a part of the primary system of State highways a road beginning at Elizabethtown, Kentucky, in Hardin County, and running thence via Bethlehem Academy, Blue Ball Church, Four Corners to Big Spring, intersecting the proposed Lincoln Highway at Big Spring in Hardin County, Kentucky.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Elizabethtown, Kentucky, in Hardin County, and running thence via Bethlehem Academy, Blue Ball Church, Four Corners to Big Spring, in Hardin County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by the pro-

visions of Chapter 17 of the Acts of the General Assembly of 1920, as amended to the same effect as if said road had been named in the original Acts as one of the projects of the primary system of State highways as provided therein.

By Senator Brock.

S. B. 309. An Act to create the office of District Detective, to the Commonwealth Attorney, in certain judicial districts, composed of two counties, and having a population of 100,000 or more, according to and as established by the 1930 Federal census; providing the method of appointment, his compensation and prescribing his duties and tenure of office.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all judicial districts, composed of two counties and having a population of 100,000 or more, according to the Federal census of 1930, there is hereby created the office of District Detective, to the Commonwealth's Attorney. Said District Detective shall be appointed by the Commonwealth's Attorney for a term of four years, subject, however, to be removed at any time, by the Commonwealth's Attorney, without notice or hearing.

§ 2. It shall be the duty of said District Detective, to assist the Commonwealth's Attorney in the preparation of all criminal cases in the courts of said district, and to make investigations of facts and circumstances surrounding any violation of the criminal statutes and to report the same to the Commonwealth's Attorney for such action as said attorney may deem necessary. Said detective shall perform such other duties as the said attorney shall, from time to time, designate and shall make his reports in conformity to the directions of the said attorney.

§ 3. Said detective shall have all the powers of a sheriff and shall make arrests when deemed necessary to protect the public peace or public welfare and shall be and is empowered to administer oaths for the purpose of making investigations concerning the violation of any criminal statute and may, if deemed necessary, go beyond the county lines composing his said district, to make investigations and to perform any duty incumbent upon him.

§ 4. Said District Detective shall be paid a salary of not exceeding three thousand dollars, to be fixed by an order to be entered simultaneously, with the order appointing said District Detective and spread of record on the Civil Order Book of said court. Said salary shall be paid out of the county levy, in equal monthly installments, and shall be allowed by the Fiscal Court upon the presentation by said detective to said Fiscal Court, of a copy of said Circuit Court order, appointing said detective and fixing the salary therefor.

By Senator Dawson.

S. B. 310. An Act to amend Chapter 64 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky entitled: "An Act concerning the laws of the State providing for the distribution of the Session Acts of the General Assembly, the reports of the decisions of the Court of Appeals, and the weekly advance sheets, the journals of each house of the General Assembly, the Acts of Congress which may be sent to the State for distribution, and designating the officials or libraries to which said publications are to be distributed, and providing for the exchange of Acts, reports or other similar publications with other States, countries and the United States, and providing for the procurement by court of another statute or code of practice to replace a statute lost, mutilated or torn, such statute or code of practice to be paid for by the Auditor of Public Accounts for circuit courts, and by the county for all other courts, and repealing all laws in conflict with the provisions of this Act."

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section of Chapter 64 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, now Section 2426, 1930 Supplement to Carroll's 1930 Statutes, be and the same is hereby amended and re-enacted so that said section when amended and re-enacted, shall read as follows:

One copy of the reports of the decisions of the Court of Appeals which may be hereafter published and one copy of each pamphlet of the weekly advance sheets, as soon as the same are published and ready for distribution shall be delivered without cost to the Governor, each judge and commissioner of the Court of Appeals; each circuit judge, each county attorney, the judge of each Federal Court of Kentucky, the librarian of the United States Circuit Court of Appeals, at Cincinnati, the county library of each county, and seven copies each shall be so sent to the Library of Congress, and to the Kentucky Historical Society, two copies, and inasmuch as the county attorneys have been furnished the decisions of the Court of Appeals up to and including 228, they shall be furnished the said decisions beginning with and including 229 Kentucky.

By Senator Dawson.

S. B. 311. An Act establishing a road from New Haven in Nelson County, Kentucky, by way of Roanoke to Elizabethtown in Hardin County, Kentucky, as a State primary road, and designating said road as Project No. —.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from the intersection of State Highway No. 52 with Highway No. 31E in New Haven, Nelson County, Kentucky, the same being near what is known as Knob Creek Farm of the Lincoln's, by way of Roanoke to Elizabethtown, Hardin County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

§ 2. Said project shall be designated and known as Project No. —.

By Senator Hamilton.

S. B. 312. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said board.

To Committee on Veterans' Legislation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Disabled Ex-Service Men's Board, created by Act approved February 27, 1922, and

recreated by Acts of the General Assembly approved March 21, 1924, February 24, 1926, February 16, 1928, and March 11, 1930, be continued in existence for an additional period of two (2) years for the purpose of assisting ex-service men and women of the World War and their dependents, and veterans of other wars and their dependents who are residents of Kentucky, and who are or may be entitled to aid from the United States Government pursuant to Federal legislation for the benefit of veterans and their dependents, in preparing and presenting their said claims to the proper Federal agencies and authorities and in securing and expediting action thereon; to relieve and prevent congestion and delay in the proper consideration, rating and final adjudication of said clams and to, as far as possible, cause every disabled veteran and the dependents of every disabled veteran to receive promptly and regularly the maximum relief and benefits to which they are entitled under the Federal law.

§ 2. Said Kentucky Disabled Ex-Service Men's Board shall, during the time for which its existence is extended by Section 1 of this Act, be composed of five (5) members; one of whom shall be the Adjutant General of the State of Kentucky, another of whom shall be the State Commander of the American Legion, Department of Kentucky, another of whom shall be the Commander of the Department of Kentucky, Veterans of Foreign Wars of the United States, another of whom shall be the Commander of Kentucky, Disabled American Veterans of the World War, and the other of whom shall be the Commander of the Department of Kentucky, United Spanish War Veterans, who shall be in office at the time of the approval of this Act, and they shall each hold office during the life of the said commission. The members of the board shall serve without salary or compensation, but they shall be paid their actual and necessary traveling expenses while in the discharge of their official duties.

§ 3. The words "veterans" and "ex-service men and women," as used in this Act, include any individual who served on active duty in the Army, Navy or Marine Corps of

the United States who has received an honorable discharge from such service.

§ 4. Said Kentucky Disabled Ex-Service Men's Board shall elect a Secretary and a Pension Attorney, and such assistants as may be found necessary whose duty shall be to prepare in proper farm, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Bureau and United States Bureau of Pensions, Veterans' Administration and other Federal agencies, and to secure and expedite action on said claims to keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time; to continue a survey of the State to make certain that no disabled man or his dependents are neglected, and to perform such other duties as the board may direct. The Secretary and Pension Attorney and such assistants as may be authorized shall be paid a salary fixed by the board and shall be paid actual and necessary traveling expenses while engaged in the performance of duties as the board may direct. The Pension Attorney mentioned herein shall be a regularly licensed, practicing attorney of the State of Kentucky.

§ 5. For the purpose of carrying out the provisions of this Act, there is hereby appropriated out of State funds, not otherwise appropriated, to the Kentucky Disabled Ex-Service Men's Board, the sum of twenty-five thousand ($25,000.00) dollars per year for two (2) years. The board shall keep an accurate and detailed account of all receipts and disbursements, and its books shall be subject to examination and audit by the State Inspector and Examiner. Any part of the fund unused at the expiration of the period for which the board is created shall be turned back to the General State Fund.

§ 6. The Kentucky Disabled Ex-Service Men's Board shall have the power to expend such reasonable sums as may be necessary to employ clerical and stenographic assistants, who shall be paid their actual and necessary traveling ex-

penses while engaged in the performance of their duties and to establish and maintain offices.

§ 7. The Kentucky Disabled Ex-Service Men's Board shall cease to exist on July 1, 1934.

§ 8. All laws and parts of laws inconsistent herewith are hereby repealed.

§ 9. This Act shall become effective July 1, 1932.

Senator Bondurant proposed the following resolution:

S. Res. 27. Resolution authorizing A. J. Bush to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution reads as follows:

Whereas, on the second day of February, 1924, A. J. Bush of Elizabethtown, Kentucky, who was then employed by the State Highway Commission of the Commonwealth of Kentucky, whilst in the performance of his duties as such employee, was injured by a five ton truck turning over on him, said truck being the property of the State of Kentucky and being used and operated at the time by the employees of the State Highway Commission in the performance of their duties, and

Whereas, his hip bone was broken and driven through the hip joint, and he was otherwise seriously, painfully and permanently injured, disabling and incapacitating him from manual labor for the remainder of his life, and

Whereas, said A. J. Bush is now 64 years of age and is unable because of said injuries, to do manual labor, and was at the time of said injuries earning $4.00 per day, and was required to expend the sum of $1,200.00 for medical attention, hospital bills, etc., and

Whereas, the said A. J. Bush's eyes were affected by his said injuries and he is now practically blind by reason thereof, and

Whereas, he has sustained these serious and permanent injuries by reason of the alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the State's business, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That A. J. Bush be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Circuit Court of the county of his residence for such damages as he may have suffered, if any, by reason of any injury received by him through the carelessness or negligence of the State Highway Commission, its agents, or employees. Said suit shall be for any amount, not exceeding the sum of ten thousand dollars, and in the event any judgment is recovered by said Bush in said suit for injuries to himself, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

§ 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Said resolution was referred to Committee on Kentucky Statutes No. 1.

The Senate called up from the Clerk's desk the following resolution:

S. Res. 25. Whereas, it has long been the custom of the

General Assemblies of this Commonwealth to invite prominent statesmen to address them in joint session, and

Whereas, the Honorable Melvin A. Traylor is a native of Kentucky and an outstanding citizen of the United States, with an International reputation, who now resides in Chicago,

Therefore, be it resolved by the Senate, the House of Representatives concurring, that the said Honorable Melvin A. Traylor, of Chicago, be invited to address this General Assembly in joint session, at such time as may be most convenient to him.

Senator Bondurant moved that said resolution be adopted.

The question being taken thereon, was decided in the affirmative and

Said resolution was adopted.

Senator McCormick of the Committee on Agriculture, to which had been referred a bill of the following title:

S. B. 265. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed; defining same, providing for inspection thereof and fixing penalties for violation of this Act; naming the enforcing agent, prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this Act; to provide means for carrying out its provisions; and to repeal all laws or parts of laws in conflict with this Act.

Reported with expression of opinion that same ought to pass.

Senator Williams of the Committee on Suffrage and Elections, to which had been referred a bill of the following title:

S. B. 222. An Act to amend and re-enact "An Act relating to registration for elections in cities and towns having a population of five thousand inhabitants or more," approved March 21, 1924, and being Chapter 64 of the Acts of the General Assembly.

Reported with expression of opinion that same ought to pass.

Senator Williams of the Committee on Suffrage and Elections, to which had been referred a bill of the following title:

S. B. 51. An Act to amend and re-enact Section 4 of Chapter 49 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky.

Reported with expression of opinion that same ought to pass.

Senator Stephenson of the Committee on Judiciary, to which had been referred a bill of the following title:

S. B. 33. An Act to amend and re-enact Section 965-35, Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 29, 1930, Acts of the General Assembly of the Commonwealth of Kentucky, relating to circuits and fixing the time for holding court in the 35th Judicial District of the Commonwealth of Kentucky, composed of Pike and Letcher Counties, and declaring an emergency.

Reported with expression of opinion that same ought to pass.

Senator Stephenson of the Committee on Judiciary, to which had been referred a bill of the following title:

S. B. 45. An Act to repeal Chapter 20 of the Acts of the General Assembly of 1930, relating to the establishment of a Judicial Council of the Commonwealth of Kentucky and providing for its duties and expense.

Reported with expression of opinion that same ought to pass.

Senator Stephenson of the Committee on Judiciary, to which had been referred a bill of the following title:

H. B. 34. An Act to provide for the organization, regulation and government of the State Bar, and to provide for the licensing, regulation, discipline and disbarment of attorneys at law.

Reported with the expression of opinion that same ought to pass.

Senator Rogers of the Committee on Classification of Cities and Towns, to which had been referred a bill of the following titles:

S. B. 258. An Act relating to the government of cities of the fourth class in the Commonwealth of Kentucky so as to enable any city of the fourth class to adopt the city manager form of government as provided in this Act.

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classification of Cities and Towns, to which had been referred a bill of the following title:

S. B. 154. An Act authorizing cities of the fourth and fifth classes to provide insurance or maintenance for arresting officers, who may sustain injury, in discharge of official duty, which incapacitates such officer; and support for widows and orphans of such officers who lose their lives in discharge of official duty, and provide funds and taxes therefor, and procedure for securing same and determining amounts to be paid; and for trials, and appeals concerning same.

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classifications of Cities and Towns, to which had been referred a bill of the following title:

S. B. 168. An Act relating to the employment of stenographers for county attorneys in counties other than those containing cities of the first class.

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classification of Cities and Towns, to which had been referred a bill of the following title:

S. B. 249. An Act providing for the appointment of City Attorney in cities of the fifth class and repealing Section 3619, Kentucky Statutes, and amending Section 3649, Kentucky Statutes, Carroll's Edition, 1930.

Reported with expression of opinion that same ought to pass.

ENROLLMENT REPORT

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

S. Res. 5. The William Howard Taft Memorial Highway Association has launched a movement to have designated and numbered a highway from Mackinaw City, Mich., to Ft. Myers, Fla., as a memorial of the late William Howard Taft.

S. Res. 16. A resolution to meet in joint session at 11 o'clock A. M. on February 4, 1932, to pay a tribute to George

Washington, signer of the Act of Congress admitting Kentucky to statehood, and to signalize the formal opening of Kentucky's participation in the nation-wide George Washington Bi-centennial Celebration.

S. Res. 12. Resolution to require the Attorney General to furnish General Assembly with names of lobbyists.

S. Res. 17. Resolution inviting typographical unions to build Eastern printers' home in Kentucky.

S. Res. 3. Memorializing the Congress of the United States to make adequate appropriation and appoint a commission for the purpose of fittingly celebrating the sesquicentennial of the Siege of Bryan's Station and the Battle of Blue Licks in August, 1932.

S. B. 48. An Act authorizing, empowering and directing the Governor to cause an audit, study and survey of all the departments, institutions, boards, commissions and agencies of the Commonwealth; empowering him to employ auditors, accountants, clerks, bookkeepers, attorneys and all other persons necessary to make said audit, study and survey, defining the scope or character of same, and appropriating the sum of one hundred and fifty thousand dollars ($150,000.00) to be used by the Governor in carrying out the purpose of the Act.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the Senate, to the Clerk.

Ordered that the Clerk deliver the enrolled bills and resolutions which originated in the Senate, and which had been signed by the presiding officers of the Senate and House of Representatives, to the Governor.

After a time, the Clerk reported that he had performed that duty.

CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in Orders of Day.

Said titles to bills are as follows:

CALENDAR, FEBRUARY 3, 1932

S. B. 217. An act to regulate hairdressing and cosmetology; to create the Kentucky State Board of Hairdressing and Cosmetology Examiners; to provide for the licensing and registration of hairdressers and cosmetologists; to empower said Board to enforce the laws, rules and regulations relative to hairdressers and cosmetologists.

S. B. 9. An Act amending and re-enacting Section Fourteen of Chapter nineteen of the Acts of 1916, being an Act entitled: An Act for Further Regulation of Fire Insurance Companies, Agents, Rates, Fire Prevention, etc., providing for the statement with Application for license for Agent, defining and enlarging powers and duties of the Insurance Commissioner in relation thereto, and repealing all laws in conflict herewith; approved March the fifteenth, nineteen hundred and sixteen; which is now Section Seven hundred and sixty-two-a-fourteen Carroll's Kentucky Statutes.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 63. An Act to repeal sections 6, 7, 8, 9, 10 and 26 of Chapter 92 page 477 of the Acts of the General Assembly of 1914, being a portion of the Act Providing for the Commission Form of Government for cities of the Third Class, and the sections repealed by this Act are now sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Carroll's Kentucky Statutes 1930 Edition, and providing in lieu thereof, that the Mayor, Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the Third Class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

Senator Gates F. Young moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senator took up for consideration from the Orders of the Day a bill entitled:

S. B. 3. An Act to amend and re-enact Section 199a of Carroll's (1930) Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 Session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky," entitled, "An Act to amend Section 2 of an Act entitled, 'An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," which Act became a law, March 24, 1906, without the approval of the Governor.

Senator Littrell moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up from the Orders of the Day a bill entitled:

S. B. 172. An Act defining plumbing, master plumber and journeyman plumber in counties containing cities of the First and Second Class of the Commonwealth of Kentucky; providing for examinations and issuing certificates to qualified registered master plumbers and registered journeyman plumbers and placing same under the jurisdiction of the State Board of Health of Kentucky; and also granting to the State Board of Health of Kentucky the power to adopt and promulgate a code regulating the installation of plumbing, house drainage, sewerage and sewerage disposal; designating the kind of materials and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage to be used in plumbing and drainage and the methods of their installation: prescribing the powers and duties of the State Board of Health in relation to this Act and providing penalties for violation of the provisions of this Act.

Senator Rogers moved that said bill be passed and hold its place in the orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 21. An Act to re-enact and amend Chapter 35, Section 5 of the Acts of the General Assembly of 1930 requiring publishers and their agents to sell textbooks to dealers on a consignment basis.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 170. An Act defining school districts; setting out powers and duties of boards of education therein; indicating procedure relating to the organization, control and operation of the common schools therein; providing for the general welfare of the public schools of the Commonwealth; providing for a uniform census every three years; exempting school pupils from toll on roads, bridges and ferries, repealing various scattering provisions of old law relating to division boards of education and other provisions covered by this Act or not consistent with it.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 107. An Act relating to jailers and providing for the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the Sheriff of the county, and providing for compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 145. An Act in relation to the Kentucky State Board of Dental examiners and to regulate the practice of Dentistry in the State of Kentucky.

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Senator Booles moved that the Senate recess for one hour.

Said motion was agreed to.

The Senate reconvened at 12:30 P. M. o'clock.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as

security for any such loan or as consideration for a payment of three hundred dollars ($300) or less, providing for the administration of this Act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the Banking Commissioner under this Act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes (1930), and repealing all acts and parts of acts in conflict with the provisions of this act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 17. An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending sections nine hundred and twenty-nine (929), nine hundred and thirty-four (934) of Kentucky Statutes, 1930, Carroll's Edition, as amended by chapter 153 of the Acts of 1920, Session of the General Assembly of the Commonwealth of Kentucky, nine hundred and thirty-five (935), and eighteen hundred and thirty-eight (1838), Kentucky Statutes, 1930, Carroll's Edition; and repealing sections nine hundred and thirty-eight (938) Kentucky Statutes, 1930, Carroll's Edition, and section eighteen hundred and forty A (1840a), Kentucky Statutes, 1930, Carroll's Edition; as amended by section one of chapter 67 of Acts of 1916, Session of General Assembly of Commonwealth of Kentucky; providing for the compensation of county treasurer, and the designating by the fiscal

court of depositories for county funds and the fixing of interest rates to be charged by the county; and providing for penalties for the violation of any of the provisions of this act.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 132. An Act to amend Section 564, Sub-section 2, Kentucky Statutes, Carroll's edition 1915, relating to corporations.

Senator Allie W. Young moved that said bill be recommitted to the Committee on Kentucky Statutes No. 2 with leave to report at any time.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 20. An Act to provide for the more efficient and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred fifty thousand (250,000), and to reduce the number of magisterial districts therein, by amending and re-enacting section one thousand seventy-nine (1079) of the Kentucky Statutes to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants, defining their duties and requiring bonds therefrom, with surety; defining certain duties of constables and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places; fix-

ing the filing fees, and providing for rules of practice in said courts and fixing penalties for the violation of said officers of their duties.

Said bill reads as follows:

Whereas, in counties containing a population in excess of two hundred fifty thousand (250,000) intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life, by reason of which the demands upon such courts in such counties are continuous, voluminous, and exacting, and by reason of which justices of the peace in such counties have become primarily judicial officers, as distinguished from the fiscal character of said officers elsewhere in this State, and by reason of which the existing system for the administration of justice within the jurisdiction of such courts is now wholly inadequate, now therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That this act shall be effective in each magisterial district in every county of this Commonwealth, which county contains a population in excess of two hundred fifty thousand (250,000); Provided, that the provisions hereof shall not begin to apply to the office of justice of the peace, or the office of constable, until the expiration of the term of office, in each instance, which is current and unexpired upon the effective date of this act. At the regular election for justices of the peace in 1933, such justices shall be elected for the districts hereinafter provided for.

§ 2. Within each of the said magisterial districts, all moneys received or collected as compensation, cost, expense, for, or otherwise resulting from, or on account of, the performance of the duties or the exercise of the powers incident to the offices of justice of the peace, constable, and deputy constable, shall become, upon receipt or collection, by or for

any person hereafter holding any of said offices, a part of the general fund of the county.

§ 3. Each person hereafter elected or appointed to and thereafter holding the office of justice of the peace in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary, in the sum of four thousand ($4,000.00) dollars per annum, which shall be paid, in equal monthly installments, out of the general fund of the county; Provided, that no justice of the peace shall receive or be paid a salary exceeding three hundred thirty-three dollars and thirty-four cents ($333.34) during or for any month, or four thousand ($4,000.00) during or for any consecutive twelve (12) months.

§ 4. In each of the said magisterial districts the justice of the peace shall employ one clerical assistant to be known as the recorder, whose employment shall become effective upon the first Monday in January, 1934, and shall continue for the period during which the justice of the peace making the appointment holds office, but not beyond the current term of office of said justice. Each justice of the peace may employ, not exceeding three clerical assistants known as deputy recorders. Each recorder shall be compensated for his services by salary in the sum of two hundred ($200.00) dollars per month, and each deputy recorder shall be compensated for his services by salary in the sum of one hundred ($100.00) dollars per month, which salaries shall be paid monthly, out of the general fund of the county. The said salaries shall be in lieu of all other compensation. The fiscal court or county commission of the county shall require bonds, with good and sufficient sureties, of recorders and deputy recorders, for the faithful performance of their duties. The employment of each recorder and each deputy recorder shall be noted of record by the justice of the peace by the entry of a suitable order upon the records of the court, and the employment of any recorder or deputy recorder may be terminated at any time, for cause, by order of record by the justice of the peace holding office within the district. Any of said employees shall be eligible to serve in any district within the purview of this Act.

§ 5. It shall be the duty of each recorder, after executing bond as required in section four (4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act, become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court, as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received, or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical services, under the direction of the justice of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the powers to administer oaths.

§ 6. Each justice of the peace, constable and deputy constable shall daily deliver or cause to be delivered to the recorder for the district in which the said officers hold office all moneys received or collected by each of them by virtue of their respective offices, or the recorder may receive such moneys for the said officers, and in either event the recorder shall daily issue to the said officers receipts for moneys received from or for each of them, respectively. Each recorder shall keep such records of such daily transaction, in such manner and form, and showing such information, as the fiscal court of the county may require.

§ 7. Before the tenth day of each calendar month the recorder for each magisterial district shall prepare a sworn statement, which shall show the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of justice of the peace, constable, and deputy constable existing in the district. The statement shall be in the form, and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder

shall deliver one or more copies of the said monthly statement to the fiscal court, or to such county officer or agent as the fiscal court may designate, and each recorder shall simultaneously deliver by certified check payable to the order of the county treasurer the total sum of money shown by the said statement to have been received by the recorder under the provisions of this Act during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this Act in a State or National Bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.

§ 8. Each recorder, or deputy recorder, and the sureties upon his bond, shall be liable for the proper disposition of any money, property, or other thing of value coming into possession of said recorder, or deputy recorder, by reason of his employment, and for the payment of all money received or collected by the recorder, or deputy recorder, for the general fund of the county to the county treasurer or proper county officer or agent, until the recorder, or deputy recorder, and the sureties upon his bond, are released and fully discharged from further liability by the fiscal court of the county, by order entered of record.

§ 9. Each person hereafter appointed and thereafter holding the office of constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-four hundred ($2,400.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, and each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of fifteen hundred ($1,500.00) dollars per annum which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any constable or deputy constable for any month exceed the amount paid into the general fund of said

county by the said constable or deputy constable, pursuant to section (2) hereof, during the preceding month.

§ 10. In each county in which this act is effective the fiscal court thereof shall, by order entered of record, designate a place within each magisterial district within the county, at which designated place the justice of the peace of the said district shall hold all sessions of court and shall at all times there keep all records pertaining to his office. The place so designated in each magisterial district shall be located in or as closely adjacent to the county court house as is practicable, the purpose of this requirement being to effect as nearly as possible a central location for the holding of sessions of courts of the justices of the peace within the same county. The justice of the peace, constable, deputy constables, and recorders in each of the respective districts shall have a common office at the place so designated, and no justice of the peace, constable, deputy constable, or recorder shall have, directly or indirectly, an office or other place within the district, or within the county, for the transaction of official business, nor shall either of them transact any official business elsewhere except as authorized by law. No attorney at law or other person shall, directly or indirectly, have or maintain an office at or in conjunction with the common office of the justice of the peace, constables and recorders. The expense of maintaining the various offices so established within the several magisterial districts of a county shall be paid in usual course, out of the general fund of the county, in such manner, and subject to such preliminary approval, as the fiscal court may require. Each of the said offices shall be originally equipped and shall thereafter be kept provided with necessary furniture, clerical and other equipment, record books, stationery, and supplies, which shall be paid for, in usual course, out of the general fund of the county, by authority of the fiscal court.

§11. The justices of the peace shall collect, upon each original civil action or proceeding commencing with original process in the courts conducted by them within the said magisterial districts, the sum of one ($1.00) dollar, which sum shall be collected when each action or proceeding is filed, and

applied as a credit upon the costs accruing in the respective actions or proceedings, and upon receipt or collection shall become a part of the general fund of the county, and shall be reported and disposed of as provided in sections 2 and 7 of this act.

§ 12. The justices of the peace of each of the counties in which this act is effective shall, immediately after the effective date of this act, meet and adopt appropriate and uniform rules of court, not inconsistent with the Civil and Criminal Codes of Practice, for the governance of justices' courts within the said counties, and upon approval of a majority of the justices within the same county, each justice of the peace therein shall immediately cause an order to be entered upon the records of each justice's court held within the county, publishing the said rules at length and adopting them as the rules of each of the said courts. The rules of court may be amended at any time by a majority of the justices of the peace holding office within the same county, at a joint meeting held for that purpose upon notice signed by one or more of said justices.

§ 13. If any recorder or deputy recorder shall make, or knowingly permit others to make a false entry in any books, ledgers or accounts which such recorder or deputy recorder is required by this act to keep, or shall fail to make any proper entry in such books, ledgers or records of accounts, with intent to cheat or defraud this Commonwealth, or the county, or any officer, person, or corporation; or, if any recorder or deputy recorder shall knowingly embezzle, or misapply, misappropriate, or withold any money or property, or other thing of value belonging to the State or the county, or any money which is declared by this act to be a part of the general fund of the county, or which has come into his possession or control by reason of his employment; or, if any recorder or deputy recorder shall knowingly make, or participate in the making of any false statement or report, with such intent, such recorder or deputy recorder shall, upon conviction thereof, be deemed to be guilty of a felony and shall

be confined in the penitentiary not less than two nor more than ten years.

§ 14. If any justice of the peace, constable, or deputy constable shall, directly or indirectly, cause, aid, abet, or connive in the making of a false entry in any official books or records, or shall directly or indirectly cause, aid, abet, or connive in the omission of any proper entry from any books or records, with intent to cheat or defraud this Commonwealth, or any county, or any officer, person, or corporation, either for the benefit of himself or another; or if any justice, constable, or deputy constable shall embezzle, or misapply, or misappropriate, or withold any money or property, or other things of value belonging to any county, or any money which is declared by this act to be a part of the general fund of the county, or which has come into his possession or control officially, or if any justice, constable, or deputy constable shall cause, counsel, aid, abet, encourage, or participate in the making of any false statement or report with such intent, such justice of the peace, constable, or deputy constable shall, upon conviction thereof, be deemed to be guilty of a felony and shall be confined in the penitentiary not less than two or more than ten (10) years, the office held by such person shall become vacant, and the judgment of conviction shall so recite, but such justice, constable, or deputy constable shall have the right to appeal to the Court of Appeals.

The crimes and penalties herein defined shall be accumulative and in addition to the crimes and penalties which apply to justices of the peace and constables, otherwise provided by law.

§ 15. That, Section One Thousand Seventy-Nine (1,079) of the Kentucky Statutes (Carroll's 1930 Edition) be and the same is hereby amended as follows, to-wit:

By striking out the words:—

"Provided, That in the counties containing a city of hundred fifty thousand population or more there shall be estab-

lished eight magisterial districts, four of which shall be laid off within the corporate limits of such city and four in that portion of the county outside the limits of such city."
and by substituting in lieu thereof the words:

"Provided, that in counties containing a population in excess of two hundred fifty thousand (250,000), there shall be established three magisterial districts which shall be laid off diverging from, as nearly as may be, the county court house of the county. The County Judge of such counties shall, in open court on the first Monday in August, one thousand nine hundred and thirty-two, appoint three competent citizens of such county or counties, over twenty-one years of age, and residing in different portions of the county, as commissioners to divide the county into three magisterial districts laid off as herein provided."

so that said section, when amended and re-enacted shall read as follows:

"The County Judge of each county shall, in open court, on the first Monday in August, one thousand eight hundred and ninety-two, appoint three competent citizens of the county over twenty-one years of age, and residing in different portions of the county and in different justices' districts, as commissioners to divide the county into not less than three nor more than eight justices' districts, as nearly equal in territory and population as may be; Provided, that in counties containing a population in excess of 250,000 there shall be established three magisterial districts which shall be laid off diverging from, as nearly as may be, the county court house of the county. The County Judge of such counties shall, in open court on the first Monday in August, one thousand nine hundred and thirty-two, appoint three competent citizens of such county or counties, over twenty-one years of age, and residing in different portions of the county, as commissioners to divide the county into three magisterial districts laid off as herein provided."

§ 16. If any section of this Act is held to be unconstitu-

tional, such holding shall not affect the validity of any other section or clause of this Act, it being the intent of the General Assembly to enact each section of this Act separately and independent of all other sections.

§ 17. All Acts and parts of Acts in conflict with this Act are, to the extent of such conflict, hereby repealed.

Senator Mehler proposed the following amendment to said bill:

Amend House Bill 20 to amend Section 9 of the printed bill by inserting in line 1, the words "elect or" after the word "hereafter" and before the word "appointed." By adding to Section 15 of the printed bill, the words "the Commissioners, before they proceed to act, shall be sworn to faithfully perform their duties."

Senator Mehler moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	J. M. Rose
Edwin C. Dawson	L. C. Littrell	R. H. Royster
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Perry B. Gaines	Wm. Mehler	Fred C. VanHoose
Arch Hamilton	E. C. Moore	F. M. White
J. S. W. Holloway	Ray B. Moss	Sewell B. Williams
Robert Humphreys	Marion F. Pogue	Allie W. Young

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Resolved that the title thereof be as aforesaid.

Senator Allie W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 58. An Act amending Section Three Thousand Five Hundred Forty-five (3545) of Carroll's Kentucky Statutes, 1930 edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond, and providing for his compensation, and authorizing the city council of cities of the fourth class to impose upon the city treasurer or the clerk of the council the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Three Thousand Five Hundred Forty-Five (3545) of Carroll's Kentucky Statutes, Nineteen Hundred Thirty (1930) Edition, relating to the character of cities of the fourth class, be, and the same is hereby repealed and re-enacted in amended form as Section Three Thousand Five Hundred Forty-Five (3545), Sub-Sections 1, 2, and 3, so as to authorize the city council of cities of the fourth class to provide by ordinance that the clerk of the council shall perform the duties of city tax collector, and to further provide by ordinance, if the council see fit, that the clerk of the council shall be charged with the collection of local taxes for street improvements; so that said section, as re-enacted, shall read as follows:

"Section 3545-1. Appointment of collector; qualifications, oath and bond; compensation; council may make either treasurer or clerk of council collector; may make clerk collector of street improvement taxes. At any regular meeting of the council they may appoint a collector, who shall hold his office for two years from his appointment, and until his successor is appointed and qualified. The collector shall be over twenty-four years of age, and a resident of the city for six months before his appointment. Before he enters upon his duties he shall take an oath to faithfully perform his duties as collector, and execute bond, with security, to be approved by the council, conditioned for the faithful performance of his duties, and to pay over to the person or persons entitled thereto all moneys that may come into his hands as such collector. It shall be the duty of said collector to collect all dues owing to the city placed in his hands. The council shall fix by ordinance, previous to his appointment, the compensation for his services. All dues owing to the city may be collected by the chief of police. The board of council, however, may by ordinance provide that the treasurer shall perform the duties of collector, or it may by ordinance provide that the clerk of

the council shall possess the qualifications of collector and in such case may further provide by ordinance that the clerk of the council shall perform the duties of collector. No demand shall be necessary for the collection of said taxes, but the same shall be payable at the office of the town treasurer, or at the office of the clerk of the council as may by ordinance be provided.

§ 2. In all cases in which the council shall require the clerk of the council to perform the duties of collector, as herein authorized, it shall also by ordinance provide that he shall take the same oath and execute the same bond, before entering upon the duties of his office, as is now required by law of the city treasurer, except that the words "clerk of the council" shall be substituted for "treasurer" in said bond. It shall also provide in said ordinance for the appointment by the mayor of a special auditing committee to be composed of three members of the council, of which the chairman of the finance committee shall be ex-officio chairman, and it shall be the duty of such committee, after the city tax bills shall have been made out by the clerk from the schedules as at present required, to carefully check said bills against said schedules and correct any errors which may have been made, and for the performance of this task said committee may engage such clerical help as the council may think proper, and thereupon, the chairman of said committee shall sign said tax bills as "Finance Chairman" and turn them over to said clerk of the council as collector, taking his receipt therefor in duplicate, showing the number of said bills so delivered and the aggregate amount thereof; and in cases where school and city taxes are required by law to be placed upon the same bills said receipt shall show the aggregate amount of school taxes and city taxes separately and a copy of said receipt shall be certified to the board of education. And said clerk, as such collector, shall have all the powers and responsibilities as are now conferred and imposed upon city tax collectors, and he shall be dealt with by other officers as other city collectors. Where the duties of collector are imposed upon said clerk after his election, he may be allowed by the council a reasonable com-

pensation for the added duties for the remainder of his unexpired term.

§ 3. In all cases in which the council shall require the clerk of the council to perform the duties of collector as herein authorized, it may further provide by ordinance that all local taxes due or to become due for improvement of streets under Section 3563, Carroll's Kentucky Statutes, whether said taxes have already been assessed or shall thereafter be assessed, shall be payable to said clerk of the council, at his office, instead of at the office of the city treasurer, as now provided by Section 3563; and in such case the clerk of the council shall keep in his office, in a book to be provided for that purpose, a record of all assessment of local taxes thereafter assessed as provided in said section, showing the name and portion of the street in which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made, or, if the assessments have already been made, the book or books showing such record shall be delivered to said clerk of the council. Upon payment of any improvements tax to the clerk of the council, he will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. Said clerk shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and each of said funds shall, upon the order of the council, be turned over to the city treasurer who shall also keep a separate account of said funds, and thereafter same shall be applied as is now provided by said Section 3563. And in all such cases said clerk shall have the same power to coerce payment of said local taxes as is now possessed by the city treasurer.

The provisions of this act are hereby declared to be severable, and the invalidity of one part shall not affect the validity of any other part.

Senator Humphreys proposed the following amendment to said bill:

Amend Senate Bill 58, page 2, line 7, of printed bill by striking therefrom the word "shall" and insert the word "may."

Senator Humphreys moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Turner moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	R. H. Royster
W. W. Booles	L. C. Littrell	Thos. O. Turner
Thos. C. Ferguson	Frank I. Lloyd	Fred C. VanHoose
A. B. Chandler	Rev. C. D. McCaw	Sewell B. Williams
J. S. W. Holloway	Wm. Mehler	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young

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Those who voted in the negative were:

H. M. Brock	Arch Hamilton	O. M. Rogers	
Edwin C. Dawson	Alex E. Johnson	J. M. Rose	
Dr. T. J. Edge	C.T.McCormick,Sr.	E. D. Stephenson	
Walter N. Flippin	E. C. Moore	Joe Stewart	
Chas. G. Franklin	Ray B. Moss	F. M. White	
Perry B. Gaines	Marion F. Pogue		—17

Resolved that the title thereof be as aforesaid.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 23. An Act to repeal and re-enact Section 4399a Sub-section 10 of Baldwin's 1928 Supplment to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools, and being Section 10 of an Act, entitled "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members; providing for the election of a county superintendent by said board; fixing his qualifications, compensation and term of office; and prescribing his duties and fixing his bond; providing for the election of an attendance officer by the county board of education; providing for the levy of tax for common school purposes in each county; prescribing the duties of the county tax commissioner, the county court clerk, with reference to the assessment of the property subject to said tax and prescribing the duties of the county board of education and the fiscal court levying said tax and prescribing the duties of the sheriff in collecting said taxes and making his settlement to the fiscal court; providing the manner of paying his commission for collecting same; prescribing the duties of the fiscal court with reference to making settlement with the sheriff for said tax; providing for the employment of teachers; providing for the appointment of district trustees and prescribing their duties.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4399a Sub-Section 10 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, be, and the same is now repealed and re-enacted so that said sub-section 10 when re-enacted shall read as follows:

At the regular November election, held on the first Tuesday after the first Monday in November, 1933, and every four years thereafter, there shall be elected in each county in this State a county superintendent of public schools, who shall assume office on the first Monday in January, 1934, and hold said office for a period of four years, and until his successor has been elected and qualified. No person shall be eligible to the office of superintendent of county schools who does not hold a proper certificate in scholarship, administration and supervision as provided by law; provided, however, that all county superintendents of schools at the time this act takes effect shall continue to serve to the end of the term for which they were appointed and qualified, unless sooner removed as now provided by law. Said superintendent of county schools shall be eligible for re-election.

The superintendent of county schools shall devote his time to the public schools and shall receive such compensation as the fiscal court of the county may direct, to be paid from the county school funds, in equal monthly installments. In case of vacancy in the office of the superintendent of county schools from any cause whatever, said vacancy shall be filled as provided by Section 1526, Carroll's 1922 Edition, Kentucky Statutes.

The county superintendent of schools as executive officer of the county board of education shall see that the laws relating to the schools, the by-laws, rules and regulations of the State board of education, and regulations and policies of the county board of education are carried into effect.

The superintendent of county schools shall recommend for condemnation school buildings which are unsanitary and unfit for use. He shall also recommend the repairs to be made

on school buildings, the purchase of school sites and grounds and the sale of same and make all such other recommendations as he deems necessary or advisable. He shall prepare or cause to be prepared, at the direction of the county board of education all plans and specifications for any and all school buildings to be erected or remodeled in his county.

The superintendent of county schools shall approve in writing all contracts, of any kind, entered into by the county board of education, and no contract entered into by the county board of education without the written approval of the county superintendent of schools shall be valid.

The county superintendent of schools shall be the representative of the State superintendent of public instruction in all examinations for teachers' certificates, conducted within the county and shall perform such other duties connected therewith as may be required by law.

Senator Rogers proposed the following amendment to said bill:

That said S. B. 23 be amended by inserting therein the following words following the word "re-election" in line 17 of the printed bill: "Provided however that the voters in cities of the first, second, third and fourth class and the voters in specially created graded common school districts shall not be eligible to vote at the election, herein provided for.

Senator Humphries proposed the following amendment to said amendment: By striking out the words "Specially created graded common school districts."

The question being taken upon the adoption of the amendment to the amendment, was decided in the affirmative.

The question being taken upon the adoption of the amendment as amended to S. B. 23, was decided in the affirmative by a majority of the members elected.

Said amendment was adopted.

Senator Stewart proposed the following amendment to said bill:

Amend Senate Bill No. 23 by striking from lines 10, 11, 12 and 13 the following words: "No persons shall be eligible to the office of superintendent of county schools who does not hold a proper certificate in scholarship, administration and supervision as provided by law," and inserting in lieu thereof the following: "Before any candidate for superintendent shall have his name placed on the ballot, either in the primary or in the final election, such person shall file with the county court clerk, not less than fifteen (15) days prior to the election, a certified statement signed by the president of a standard four-year college showing that such candidate has graduated from such college and has had a minimum of twenty (20) hours in Education and, in addition thereto, six (6) hours in Administration and Supervision.

Such candidate shall also file with the county court clerk a statement certified by the superintendent of the school system where the candidate had his experience showing that such candidate has had a minimum of four years' experience in public school administration, and shall also file a certified statement from the Superintendent of Public Instruction showing that such candidate holds an administrative certificate as required by law.

Senator Stewart moved the adoption of said amendment.

The question being taken thereon, was decided in the negative and

Said amendment was rejected.

Senator Johnson proposed the following amendment to said bill:

Amend S. B. 23, page two, by adding to line 17, the fol-

lowing, "Provided, however, this Act shall not affect counties having therein, a city of the First, Second or Third Class."

Senator Johnson moved the adoption of said amendment.

The question being taken thereon, was decided in the negative and

Said amendment was rejected.

Senator Franklin moved that said bill be recommitted to the Committee on Education.

The question being taken thereon, was decided in the negative.

Senator Stephenson proposed the following amendment by the way of a substitute therefor to said bill:

SUBSTITUTE FOR SENATE BILL NO. 23,
AS AMENDED,

AN ACT relating to Common Schools and providing for the election of County Superintendents of Common Schools and fixing a minimum and maximum salary of County Superintendents of Common Schools, and amending and re-enacting Section 4399a-10, Carroll's Kentucky Statutes, 1930 Edition.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That Section 4399a-10, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended and re-enacted, and as amended and re-enacted shall read as follows:

The County Superintendent of Common Schools shall be elected by the qualified voters of the county outside of independent High School districts of the county, at the regular election at which county officers are elected for regular terms

in each county of the Commonwealth of Kentucky, for a term of four (4) years from the first Monday in January, 1934, and shall hold office until his successor has been duly elected and qualified. No person shall be eligible to the office of County Superintendent of Schools who does not hold a proper certificate in scholarship, administration and supervision as prescribed by law, provided that all County Superintendents of Schools holding office at the time that this Act shall take effect shall be eligible for election for the ensuing four years from first Monday in January 1934.

The County Superintendent of Schools shall devote his entire time to the Public School business and shall receive such compensation as the County Board of Education shall fix within the limits prescribed in this Section, to be paid from the County School Funds in Monthly installments. The salary of the County Superintendent of Schools shall not be less than Twelve Hundred ($1200.00) Dollars per year in any county; the salary of the County Superintendent with a population of 20,000 or under shall not be more than $1500.00 dollars per annum; the salary of County Superintendents in counties with a population of 20,000 and up to 30,000 shall not be more than $2000.00; the salary of the County Superintendent of Schools in counties of 30,000 and up to 40,000 shall not be more than $2400.00 per year; the salary of the County Superintendent of Schools in counties of more than 40,000 and up to 65,000 shall not be more than $3,000.00 per year; and the salary of the County Superintendent of Schools in counties of more than 65,000 population shall not be in excess of $3,600.00 per year.

The County Superintendent of Schools by virtue of his office shall be a member of the County Board of Education and ex-officio chairman of said Board. He shall see that the laws relating to the schools, the by-laws, rules and regulations of the State Board of Education, and regulations and policies of the County Board of Education are carried into effect.

The County Superintendent of Schools shall recommend for condemnation school buildings which are unsanitary and

unfit for use. He shall recommend the repairs, the purchase, of grounds, school sites and grounds, the sale of the same, and shall cause to be prepared all plans and specifications for remodeling of old buildings, provided that the plans and specifications for any and all buildings to be erected in said county shall be submitted to the State Superintendent of Public Instruction or his agent for approval.

The County Superintendent shall approve in writing all contracts, of any kind, entered into by the County Board of Education, and no contract entered into by the County Board of Education without the written approval of the County Superintendent of Schools shall be valid.

The County Superintendent of Schools shall be the representative of the State Superintendent of Public Instruction in all examinations for teachers' certificates, conducted within the county and shall perform such duties connected therewith as may be required by law.

Sec. 2. Any qualified elector who possess all the qualifications required by law and is eligible to hold the office of Superintendent of County Schools who desires to seek the nomination for County Superintendent of Schools shall file with the County Court Clerk of the county his or her petition, setting forth his qualifications and setting forth facts therein showing that he is eligible to hold the office, asking that his name as a candidate for said office be certified as such candidate and caused to be printed by the County Court Clerk his said name as such candidate on an official primary ballot as hereinafter provided for. Said petition must be signed by at least one hundred qualified electors entitled by law to vote in said election, who declare by said petition that they desire to support the candidate named in said petition. Said petition must be filed with the County Court Clerk of the County not less than twenty (20) nor more than forty (40) days before the date of the regular primary election at which county officers are to be nominated.

The Clerk of the County Court shall file said petition and

certify the names of all candidates named in said nominating petitions so filed in his office as candidates for the office of County Superintendent of Schools on a separate primary ballot and without party device. Said primary ballot to be furnished to the various precincts of the county entitled to vote in the race for the nomination and election of the County Superintendent of Common Schools. Candidates for the office of County Superintendent shall be nominated on a non-partisan ballot and all qualified and legal electors entitled to vote in said race shall be entitled to vote for the candidate of their choice in the various precincts of the county entitled to participate in said election. The two candidates receiving the highest number of votes shall be certified by the County Board of Election Commissioners to the County Court Clerk as the candidates for said office of County Superintendent of Common Schools. In event that only two candidates for said office of County Superintendent files a petition with the County Court Clerk, then and in that event the County Court Clerk shall issue a certificate of nomination to each of said candidates, which certificates will entitle said candidates to have his or her names certified and caused to be printed on the official ballot at the regular November election at which county officers are elected for their regular terms, as candidates for the office of County Superintendent of Common Schools. The official ballot shall be prepared by the County Court Clerk as provided for in this Act.

Sec. 3. The County Court Clerk shall cause to be prepared and certified for the various precincts of the county entitled by law to vote for members of County Board of Education, an official ballot to be known and designated as a "School Ballot," and said ballot shall not contain the device of any political party. The County Court Clerk shall cause to be printed upon said School Ballot to be used in each precinct in the county entitled by law to vote in the race for members of the County Board of Education the names of the two candidates receiving the nomination at the primary election for said office, and certified to by the County Board of Election Commissioners as the nominees for said office. In event that there is only one candidate for said office and whose

nomination has been certified by the Clerk as provided in Section 2 hereof the Clerk shall cause to be printed on said official ballot in the name of said candidate as a candidate for said office. In the preparation of said ballot a square shall be provided at the end of each name and a blank line under the name of each candidate with a square at the end of said blank line in which the voter may vote for the candidate of his choice by placing an X in said square opposite the candidate he desires to vote for. In all other matters with reference to the preparation of said ballot and the number to be furnished to various precincts the county court clerk shall be governed by the law with respect to the preparation of official ballots for the county election.

The County Board of Election Commissioners shall canvass the returns of said election and issue a certificate of election to the person receiving the highest number of votes at said election and said person shall be declared duly elected to said office and shall be entitled to qualify on the day that county officers are qualified and assume the duties of their respective offices.

Sec. 4. In case of a vacancy in said office of County Superintendent of Common Schools caused by death, removal or resignation of the incumbent, then and in the event the remaining members of the County Board of Education shall fill said vacancy by appointment for the balance of the term.

Sec. 5. The County Superintendent of Schools in counties with a population of 30,000 or more may appoint a stenographer to aid in their office at a salary of not over twelve hundred ($1200.00) dollars per year, payable monthly out of the common school fund raised by taxation in the county. The office of Assistant Superintendent of County Schools is hereby abolished and the County Board of Education and the County Superintendent shall have no power or authority to appoint an Assistant County Superintendent of Schools in any county of the Commonwealth of Kentucky.

Sec. 6. That Section 4399a-4, Carroll's Kentucky Stat-

utes, 1930 Edition, be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

Subject to the course of study and to the by-laws and policies of the State Board of Education, the County Board of Education shall determine by the consent and advice of the County Superintendent the educational policies of the county, and shall prescribe rules and regulations for the conduct and management of the schools. The County Board of Education shall exercise through the county superintendent, control and supervision over the schools of the county. The County Board of Education shall consult and advise through the County Superintendent of Schools, its executive officer, with the local subdistrict trustees, principals, teachers and interested citizens, and shall seek in every way to promote the schools under their jurisdiction.

Sec. 7. This act shall not be construed to affect the tenure of County Superintendents of Schools now in office until the first Monday in January, 1934, at which time County Superintendents of Schools nominated and elected as provided in this act shall qualify and be inducted into office in all the counties of this Commonwealth.

Sec. 8. All act and parts of acts in conflict herewith are hereby repealed.

Senator Stephenson moved that said substitute to said bill be adopted.

The question being taken thereon, it was decided in the negative.

Therefore said substitute was rejected.

Senator Stephenson moved that the Senate to go into Committee of the whole house to hear James H. Richmond, Superintendent of Public Instruction of the State of Kentucky, discuss the merits of said bill.

The question being taken thereon, it was decided in the negative.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	Dr. G. W. Ragan
H. M. Brock	L. C. Littrell	O. M. Rogers
Edwin C. Dawson	Frank I. Lloyd	R. H. Royster
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Perry B. Gaines	E. C. Moore	F. M. White
Robert Humphreys	Ray B. Moss	Sewell B. Williams
Wm. Isaacs	Marion F. Pogue	Allie W. Young

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Those who voted in the negative were:

W. W. Booles	Arch Hamilton	Wm. Mehler
Dr. T. J. Edge	J. S. W. Holloway	J. M. Rose
Walter N. Flippin	Alex E. Johnson	E. D. Stephenson
Chas. G. Franklin	C.T.McCormick,Sr.	Fred C. VanHoose

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Resolved that the title thereof be as aforesaid.

Senator Jacobs moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Senator Johnson moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

THURSDAY, FEBRUARY 4, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Chesterfield Turner of the Frankfort Baptist Church.

The roll of the Senate was called and the following Senators answered to their names.

Jas. H. Bondurant	Wm. Isaacs	Dr. G. W. Ragan
W. W. Booles	Silas Jacobs	O. M. Rogers
H. M. Brock	Alex E. Johnson	J. M. Rose
Edwin C. Dawson	L. C. Littrell	R. H. Royster
Dr. T. J. Edge	Frank I. Lloyd	E. D. Stephenson
Thos. C. Ferguson	Rev. C. D. McCaw	Joe Stewart
Walter N. Flippin	C.T.McCormick,Sr.	Thos. O. Turner
Chas. G. Franklin	Wm. Mehler	Fred C. VanHoose
Perry B. Gaines	E. C. Moore	F. M. White
Arch Hamilton	Ray B. Moss	Sewell B. Williams
J. S. W. Holloway	D. C. Naive	Allie W. Young
Robert Humphreys	Marion F. Pogue	Gates F. Young

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Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to L. H. Powell of Brandenburg.

Said motion was agreed to.

Senator Hamilton moved that the privileges of the floor be extended to Mr. J. W. Boden of Lexington.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to G. W. E. Walford, Ray Fleming, T. S. Yates, Harry Parker, Jr., and J. S. McGill.

Said motion was agreed to.

Senator Gates Young moved that the privileges of the floor be extended to Hon. Garth Ferguson of Paducah.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to John S. Clarkson of Lebanon, Wm. J. Roby of Bardstown and Jno. Smithers of Springfield.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Judge Powell Taylor, Dr. Quinn and Ben E. Niles of Henderson.

Said motion was agreed to.

Senator Pogue moved that the privileges of the floor be extended to Mrs. Dean Goph of Knoxville, Tenn.

Said motion was agreed to.

Senator Stephenson moved that the privileges of the floor be extended for the week to Mr. J. E. Sanders of Pikeville.

Said motion was agreed to.

Senator Stephenson moved that the privileges of the floor be extended to Garfield Johnson of Pikeville.

Said motion was agreed to.

CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only and placed in Orders of the Day.

Said titles to bills are as follows:

S. B. 265. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed; defining same, providing for inspection thereof and fixing penalties for violation of this Act; naming the enforcing agent, prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this act; to provide means for carrying out its provisions; and to repeal all laws or parts of laws in conflict with this act.

S. B. 222. An Act to amend and re-enact "An Act relating to registration for elections in cities and towns having a population of five thousand inhabitants or more," approved March 21, 1924, and being Chapter 64 of the Acts of the General Assembly.

S. B. 51. An Act to amend and re-enact Section 4 of Chapter 49 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky.

S. B. 33. An Act to amend and re-enact Section 965-35, Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 29, 1930, Acts of the General Assembly of the Commonwealth of Kentucky, relating to circuits and fixing the time for holding court in the 35th Judicial District of the Commonwealth of Kentucky, composed of Pike and Letcher Counties, and declaring an emergency.

S. B. 45. An Act to repeal Chapter 20 of the Acts of the General Assembly of 1930 relating to the establishment of a Judicial Council of the Commonwealth of Kentucky and providing for its duties and expense.

H. B. 34. An Act to provide for the organization, regulation and government of the State Bar, and to provide for the licensing, regulating, discipline and disbarment of attorneys at law.

S. B. 250. An Act relating to the government of cities of the fourth class in the Commonwealth of Kentucky so as to enable any city of the fourth class to adopt the City Manager form of government as provided in this Act.

S. B. 154. An Act authorizing cities of the fourth and fifth classes to provide insurance or maintenance for arresting officers, who may sustain injury, in discharge of official duty, which incapacitates such officer; and, support for widows and orphans of such officers who lose their lives in discharge of official duty, and provide funds and taxes therefor, and procedure for securing same and determining amounts to be paid; and for trials, and appeals concerning same.

S. B. 168. An Act relating to the employment of stenographers for county attorneys in counties other than those containing cities of the first class.

S. B. 249. An Act providing for the appointment of city attorney in cities of the fifth class and repealing Section 3619, Kentucky Statutes, and amending Section 3649, Kentucky Statutes, Carroll's Edition, 1930.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz:

By Senator Lloyd.

S. B. 313. An Act to define the duties of the county surveyor in counties containing more than 200,000 population, and to provide compensation for them.

To Committee on Municipalities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties of this Commonwealth containing a population of over 200,000, that all work in the surveying and civil engineering profession under the control and jurisdiction of the several courts in such counties, including the Fiscal Court, such as the surveying, locating and superintending and construction of roads, bridges, canals, levees and ditches that are built by taxation, and drawing plans and specifications of all public road, bridge, canal, levee and ditch work shall be done by the County Surveyor.

§ 2. That compensation for the County Surveyor for the work named in Section 1 of this Act shall be as follows:

He shall be paid a sum not less than Five Thousand ($5,000.00) Dollars per year for superintending any public improvements as set out in Section No. 1 of this Act, constructed during his term of office, exclusive of the salaries of all assistants required by him.

The compensation or salary of the County Surveyor shall be allowed and appropriated by the Fiscal Court to be paid out of the county levy.

§ 3. The County Surveyor may be allowed such as-

sistants as may be necessary to be appointed by the County Surveyor.

§ 4. The County Surveyor in counties having cities of the first class shall employ such agent or agents and day laborers in the different road precincts or districts or divisions of the county to carry out the provisions of this Act, and may summarily discharge such employees at pleasure; such employees shall perform service upon the public roads of the county in whatever station employed, according to the direction and in the manner prescribed by the Fiscal Court or County Surveyor. Such employees shall receive such compensation per day as may be allowed by the Fiscal Court provided that every able bodied man employed to do manual or day labor under the provisions of this Act on the public roads shall receive the prevailing wages of the vicinity in which the work is to be done, and such wages shall be certified by the County Surveyor and approved by the Fiscal Court, provided that a day's labor shall consist of not less than eight (8) hours of actual work.

§ 5. All laws and parts of laws in conflict with this Act are hereby repealed.

§ 6. Owing to the lateness of the season and the necessity of arranging the details of road work in counties of more than 200,000 population, an emergency is declared to exist and this Act shall take effect upon its passage by the General Assembly of the Commonwealth of Kentucky and approval by the Governor.

By Senator Turner.

S. B. 314. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the State primary system of highways the following route, to-wit: Beginning at Hopson's store in Caldwell county and continuing on the best and most direct route to Wellonia in Trigg county.

§ 2. This route when established to be designated as Project No. — and to be entitled to and receive all the benefits relating to the primary system.

By Senator Stephenson.

S. B. 315. An Act to amend and re-enact Section 98a-7 of the Kentucky Statutes (Carroll's 1922 Edition).

To Committee on Judiciary.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 98a-7 of the Kentucky Statutes (Carroll's 1922 Edition) be amended and re-enacted so that the same, when amended and re-enacted, shall read as follows, to-wit:

Section 98a-7. Written Application to Clerk; Fee; Time Between Additional Examinations; Allowance to Board— Each person who applies for a license to practice law in this State under any rule adopted by said court shall file a written application with the Clerk of the Court, on such form as may be adopted by the court, and shall pay to said clerk a fee of ten dollars ($10.00), and in case of the failure of such applicant to secure his license, he shall at the time of any subsequent application pay a fee of Five ($5.00) Dollars; but no one shall be permitted to file another application within six months after his last application. All fees collected as aforesaid shall be held by said clerk and paid out by him only on the order of

said Court of Appeals; and said clerk shall be liable on his official bond for all fees so paid to him. The said Court of Appeals shall, each year, make a reasonable allowance to each of said examiners for his services, for necessary clerical assistance and for his necessary expenses while engaged in the performance of his duties, the same to be paid, in quarterly installments, out of the said fund arising from the fees so paid in, and from no other source.

By Senator Stephenson.

S. B. 316. An Act to amend and re-enact Section 1845, Carroll's Kentucky Statutes, 1930 Edition, relating to compensation of members of fiscal courts.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1845, Carroll's Kentucky Statutes, 1930 Edition, be and same hereby is amended and re-enacted and as amended and re-enacted shall read as follows:

The members of the fiscal court, except the county judge, shall be entitled to Six ($6.00) Dollars per day for each day they are engaged in holding fiscal court, and also for each day they are engaged in actual attendance at the meeting of said court, except that the per diem herein provided for shall not exceed, in any one year, the sum of Three Hundred ($300.00) Dollars.

§ 2. The provisions of that act shall not apply to county containing cities of the first class.

By Senator Brook.

S. B. 317. An Act submitting to the qualified voters of

third class cities contracts for utility service for a period of more than two years.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all contracts involving a utility service of any character, for a period of more than two years, shall be null and void unless it shall be first submitted to the qualified voters of such city voting at the regular November election held in such year in such city, after first publishing in all the newspapers of general circulation published in such city once each week beginning at least forty-five (45) days prior to such election.

If no such newspaper is published in such city then it shall be published in the newspaper in such county for the same period of time and in the same manner; provided if no such newspaper is published in such city or county then by posting large posters posted in ten or more prominent places in such city forty-five (45) days prior to such election.

Said contract shall not be completed until it received two-thirds (2/3) of all the votes cast in such elections. The question to be submitted shall be: "Are you in favor of city entering into a contract with .....utility for a period of .....years, at .....rates?"

Such blanks as appear in question must be completed before submitting the ballots.

By Senator Moss.

S. B. 318. An Act establishing and creating as a part of the primary system of State highways of the Common-

wealth of Kentucky a road from Four Mile in Bell County, up Four Mile Creek to Ivy Grove, and thence down Moore's Creek to a point in the Stinking Creek road near DeWitt, Knox County.

To Committee on Roads and Highways.

Said bill read as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky a road running from Four Mile, Bell County, Kentucky, up Four Mile Creek to Ivy Grove, and thence down Moore's Creek to a point in the Stinking Creek road near DeWitt, Knox County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by all terms and conditions set out and provided in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways, the same as though said road had been named in said original act as one of the projects of said primary system of State highways.

§3. The Highway Commission is hereby directed to assign to the above road an appropriate project number.

§ 4 This road shall be known as the Moss Trail.

By Senator Humphreys.

S. B. 319. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the State primary system of highways in this Commonwealth the following route, to-wit: Beginning at Tri City in Graves County and continuing from Project No. 94 to a point on U. S. Road No. 45 near Water Valley in Graves County. This route when established to be designated as Project No. ..... and to be entitled to and receive all the benefits relating to the primary system.

By Senator Flippin.

S. B. 320. An Act adopting as the law of the Commonwealth of Kentucky the issue of civil and criminal codes of practice of Kentucky compiled by Judge Richard Priest Dietzman and issued in the year 1932 and published by the Baldwin Law Publishing Company and known as Carroll's Civil and Criminal Kentucky Codes, providing further that this Act shall not be construed to render valid or invalid any section or part thereof embraced in said codes or repeal any section or part thereof not included in said codes.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the issue of codes of practice of Kentucky compiled by Judge Richard Priest Dietzman and issued in the year 1932 and published by the Baldwin Law Publishing Company and known as Carroll's Kentucky Civil and Criminal Codes be and

the same are hereby adopted as the codes of practice and procedure of the Commonwealth of Kentucky, and in all actions and proceedings the provisions contained therein may be cited and referred to as the law or practice and procedure of the Courts of the Commonwealth of Kentucky by reference to or the citation of any section or parts of sections of said codes.

This Act shall not be construed to render valid or invalid any section or part thereof embraced in said codes of practice or to nullify or repeal any section or part thereof not in force or in effect and not included in said codes.

By Senator Gaines.

S. B. 322. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquid ordinarily, practically and commerciallly usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requiring reports to be made to the State Tax Commission by railroads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom, the administration of said law, fixing fines and penalties for the violation of this act; repealing chapter one hundred and twenty-seven of the acts of nineteen hundred and twenty-eight, and chapter one hundred and fifty-three of the acts of nineteen hundred and thirty, both of said chapters constituting the present Gasoline Tax Law.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the word "gasoline" as used in this act shall include all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined herein, except kerosene, fuel oil and crude oil as such. A State tax of five (5) cents per gallon is hereby imposed on all gasoline, as defined herein, sold in this Commonwealth at wholesale as the words "at wholesale" are hereinafter defined. No other excise or license tax shall be levied or assessed on gasoline by the State or any county, city, town or other district. The tax hereby provided for shall be paid by the person, firm, association or corporation so selling gasoline, and shall be paid by said person, firm, association or corporation into the general fund of the State Treasury in the manner and within the time hereinafter specified. The words "at wholesale," as used in this act, shall be held and construed to mean and include any and all sales made for the purpose of re-sale or distribution, or for use, and, as well, the gasoline furnished or supplied for distribution within this State whether the distributor be the same person who so furnished the same, his agent or employe, or another person; and also to mean and include any person who shall purchase or obtain gasoline without the State and sell or distribute or use the same within the State. Provided, that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline after the same shall have been already once taxed under the provision of this act, and the words "at wholesale" shall not apply to any gasoline which has been so taxed.

§ 2. All taxes collected under the provisions of this act shall be paid into the State Treasury, and shall be used only for the purpose of the construction, reconstruction, maintenance, and repair of roads, highways and bridges.

§ 3. (a) Every person, or the treasurer or other proper officer or agent of every association, co-partnership or corporation selling gasoline at wholesale, as defined herein, shall keep and preserve, for a period of two (2) years, an accurate record of all such sales distribution, receipts, and uses of gasoline, together with invoices, bills of lading, and other pertinent records and papers as may be required by the State Tax Commission; and shall on or before the last day of each month transmit to the State Tax Commission a statement, under oath or affirmation on such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline sold, distributed or used in each county of the State from their respective place or places of business so registered under the provisions of section seven a (7a) hereof during the preceding calendar month, which gallons are made taxable by this act, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due for such preceding calendar month. It shall be the duty of every person, purchasing gasoline taxable under this act from an "at wholesale" dealer for the purpose of resale, to maintain and keep for a period of one (1) year a record of gasoline received, the amount of tax paid to the dealer as part of the purchase price, together with delivery tickets, invoices, bills of lading, and such other records as the State Tax Commission shall require.

(b) Every person, association, co-partnership, or corporation, operating a refinery for the production of gasoline within the State of Kentucky, and selling gasoline for delivery to points within the State of Kentucky, shall collect and pay to the State Treasurer all taxes assessed under this act, on such gasoline. The State Tax Commission, in computing the amount of tax due under this act, shall make an allowance of one per cent for leakage, evaporation, bad debts and collection costs.

(c) Every person, association, co-partnership or corporation, operating a refinery in this State, shall keep and preserve an accurate record of all such sales, distribution, manu-

facture, and uses of gasoline within the State of Kentucky, and all shipments of gasoline to points outside of State, and shall, not later than the tenth day of the month, make a report to the State Tax Commission, of all gasoline shipped to points in the State, and all shipments of gasoline to points outside the State, during the preceding calendar month, giving the date of shipment, car number and initial, net gallons, and the name of the person, firm or corporation to whom shipped.

(d) The State Tax Commission shall allow to every person, association, co-partnership, or corporation operating a refinery in Kentucky for keeping a record of the sale and shipments of gasoline, as provided herein, and for collecting and paying the tax thereon, one per cent of such tax reported and paid.

(e) If any person, association, co-partnership or corporation shall purchase gasoline outside the State of Kentucky, for sale within the State of Kentucky, such purchaser shall, on or before the last day of each month in which such gasoline is received, transmit to the State Tax Commission a statement, under oath or affiirmation, on such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline so purchased and received for sale in Kentucky, during the month next preceding, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due on such gasoline received provided that the State Tax Commisson in computing the amount of such tax shall make an allowance of one per cent for leakage, evaporation, bad debts, collection costs, handling and reporting the tax. Provided that such allowance shall be made only on gasoline purchased in carload quantities.

(f) Every railroad or other transportation company and every other person, firm, association, partnership or corporation transporting gasoline as defined in Section 1 of this act by whatsoever manner from without the State to points within this State, or between points within the State, shall report to

the State Tax Commission, on forms prescribed by the Commission, showing the name and address of each person, firm or corporation to whom deliveries of gasoline have been made, the name and address of the original consignee, if deliveries are made to any other than the original consignee, the name and address of the consignor, the point of origin, the point of delivery, the date of delivery, the number and initials of each car, if shipped by rail, the quantity of each shipment and delivery in gallons, the manner of shipment and delivery, and such other information as the State Tax Commission may require relative to the transportation and delivery of such gasoline. Such reports are to include intra-city switching movements of gasoline in tank cars or otherwise. Such reports shall be made under oath and shall be filed on or before the last day of every month covering all such deliveries made within this State during the preceding calendar month.

(g) The State Tax Commission of the State of Kentucky shall, upon request duly received from the officials to whom are entrusted the enforcement of the gasoline tax laws of any other State, forward to such officials any information which it may have in its possession relative to the manufacture, receipt, sale, use, transportation and/or shipment by any person of gasoline.

(h) By virtue of the allowance provided herein to "at wholesale" dealer for collecting the tax and remitting the same to State Tax Commission, every "at wholesale" dealer is a trust officer of the State, and failure to remit gasoline tax to the State as provided herein constitutes embezzlement of State funds, and upon conviction under this section any individual, or partner, or officer, or agent of any association, partnership or corporation shall be guilty of a misdemeanor and shall be fined not exceeding one thousand dollars ($1,000.00) or imprisoned in the county jail not exceeding six months, or both so fined and imprisoned, and upon conviction on a second offense under this section, shall be guilty of a felony and shall be imprisoned for not less than one year or more than five years in the State prison.

§ 4. If any such person, association, co-partnership or corporation neglects or refuses to make said return, or pay the tax at the time hereinbefore provided, the amount thereof, with an addition of a penalty of twenty per centum thereof, with interest at the rate of six per cent per annum from the date when due until paid, shall be paid on an account settled by the State Tax Commission, as other taxes are paid, settled and collected; and, if collected by proceedings in any court, an additional penalty of twenty per centum shall be collected as is authorized to be collected in revenue agents proceedings under Section 4263-4 of the Kentucky Statutes.

The said twenty per centum penalty thereon and interest due shall be paid into the State Treasury as part of the tax, and the twenty per cent thereof with the penalties thereon, and the State Tax Commission shall distribute as provided in Section 4263-4 of the Kentucky Statutes.

§ 5. The State Tax Commission, or any assistant or representative thereof, appointed in writing by it, is hereby authorized to examine the books, records, papers, files and equipment of any person, association, co-partnership or corporation pertaining to the business made taxable by this Act, and to that end, shall have the power to examine witnesses under oath to verify the accuracy of any return made under the provisions of this Act, or to ascertain whether or not any tax is due by any person, association, co-partnership or corporation under the provisions of this Act, and in the collection of said tax, the State Tax Commission shall have the power to institute legal proceedings for the purpose of ascertaining the amount of tax due and the collection thereof with the penalties thereon, and the State Tax Commission shall be vested with all the powers under the law of the State for the collection of taxes. The State Tax Commission may, at or after the commencement of an action for the purpose of collecting the amount of tax due and penalties and interest due thereon as set out herein have an attachment against the property of the defendant, including garnishees, without the execution of a bond upon the filing of an affidavit showing the nature of the claim, that it is just, the sum which the

State Tax Commission believes the plaintiff ought to recover and that the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found. Any information gained by the State Tax Commission, or any assistant, agent or representative thereof, as a result of the reports, investigations or verifications herein required to be made, shall be confidential, and any person divulging such information shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars ($500.00); providing, however, that this prohibition shall not extend to information required in prosecutions for making false reports or returns or in the preparation and prosecution of legal proceedings for the collection of any tax due under the provisions of this Act, or any prosecutions for any other infraction of the tax laws of this State. If any witness shall fail or refuse to appear at the request of the State Tax Commission, or refuse access to any books, records, files, papers, or equipment, the State Tax Commission shall certify such fact and the name of the witness, or witnesses, so failing and refusing to appear, or refusing access to any books, records, papers, files or equipment to the circuit court of the county having jurisdiction of the matter, and said court shall thereupon issue a summons for the said party to appear at a place designated within the jurisdiction of the court on a day fixed, and give such evidence and open for inspection such books, records, files and papers as may be required for the purposes of ascertaining whether or not any return so made is true and correct, or whether or not any person, association, co-partnership or corporation has failed or refused to make a true and correct return under the provisions of this law; and the circuit court shall have in any such proceeding all the power of a court of equity in punishing for contempt. In order that the State Tax Commission may have additional means of checking up the accuracy of the reports made, and determining the amount of tax due by any person, association, co-partnership or corporation, the records, books, and other documents of common carriers, relative to the transportation of gasoline, are hereby declared to be accessible to the State Tax Commission.

§ 6. Any person, association, co-partnership or corporation, or any officer, director, trustee, or member of any association, co-partnership or corporation, who shall fail, neglect or refuse to make the returns and pay the tax herein prescribed, or shall refuse to permit the State Tax Commission, its assistants, agents or representatives appointed by it in writing, to examine the books, records, papers, files and equipment of such person, association, co-partnership or corporation pertaining to the business made taxable by this Act, or who makes any incomplete, false or fraudulent return hereunder, or who does, or attempts to do, anything whatever to avoid a full disclosure of the amount of business done or to avoid the payment of the whole or any part of the tax or penalties due, or who shall fail to preserve records of gasoline manufactured, received, used, sold or delivered, as provided in this Act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one thousand dollars ($1,000.00), and in the case the offender is an individual, he may be imprisoned in the county jail not exceeding six months, or both so fined and imprisoned. Such penalty shall be in addition to the penalty imposed hereinbefore in Section 4 of this Act.

§ 7a. On and after 30 days after this Act shall go into effect, it shall be unlawful for any "at wholesale" dealer to receive, use, sell or distribute any gasoline or to engage in the sale of gasoline within this State unless such dealer is the holder of an uncancelled license issued by the State Tax Commission to engage in such business. To procure such license every dealer shall file with the State Tax Commission an application under oath or affirmation and in such form as the State Tax Commission may prescribe, setting forth:

a. The name under which the dealer will transact business within the State of Kentucky;

b. The location, with street number address, of its principal office or place of business within this State; and if such dealer has more than one place of business within the State, the locations of each place of business;

c. The name and complete residence address of the owner or the names and addresses of the partners, if such dealer is a partnership, or the names and addresses of the principal officers, if such dealer is a corporation or association; and if such dealer is a corporation organized under the laws of another State, territory or country, it shall also file with such application a certified copy of the certificate or license issued by the secretary of State of Kentucky showing that such corporation is authorized to transact business in the State of Kentucky. Upon the filing of an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in Section 7-b of this Act, shall be filed with the State Tax Commission. No license shall be issued upon any application unless accompanied by such a bond. In the event that any application for a license certificate to transact business as a dealer in the State of Kentucky shall be filed by any person whose license shall at any time heretofore have been cancelled for cause by the State Tax Commission, or in case said State Tax Commission shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been cancelled for cause by said State Tax Commission, then and in any of said events the State Tax Commission, after a hearing, of which the applicant shall have been given five (5) days' notice in writing and in which said applicant shall have the right to appear in person or by counsel and present testimony, shall have and is hereby given the right and authority to refuse to issue to such person a license certificate to transact business as a dealer in the State of Kentucky. The application in proper form having been accepted for filing, and the bond having been accepted and approved, the State Tax Commission shall issue to such dealer a license certificate to transact business as a dealer in the State of Kentucky, subject to cancellation of such license as provided by law. The license certificate so issued by the State Tax Commission shall not be assignable, and shall be valid only for the dealer in whose name issued, and shall be displayed conspicuously in the

principal place of business of said dealer in the State of Kentucky. The State Tax Commission shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed dealers.

(b) Every "at wholesale" dealer shall file with the State Tax Commission a bond in the minimum amount of $5,000.00 and up to a maximum amount sufficient in the opinion of the State Tax Commission, the financial rating and reputation of the company considered, to insure payment to the State of Kentucky of the amount of tax and any penalties and interest for which the dealer may become liable, on a form to be approved by the State Tax Commission and with a surety company approved by the State Tax Commission as surety thereon, and upon which such dealer shall be the principal obligor and the State of Kentucky shall be the obligee, conditioned upon the prompt filing of true reports and the payment by such dealer to the treasurer of the State of Kentucky of any and all gasoline excise taxes which are now or which hereafter may be levied or imposed by the State of Kentucky together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this Act. In the event that liability upon the bond thus filed by the dealer with the State Tax Commission shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the State Tax Commission any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the State Tax Commission may require the dealer to file a new bond with satisfactory sureties in the same amount, failing which the State Tax Commission shall forthwith cancel the license certificate of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted. In the event that upon hearing, of which the dealer shall be given five (5) days' notice in writing, the State Tax Commission shall decide that the amount of the existing bond is insufficient to insure payment to the State of Kentucky of the amount of the tax and

any penalties and interest for which said dealer is or may at any time become liable, then the dealer shall forthwith, upon the written demand of State Tax Commission file an additional bond in the same manner and form with a surety company thereon approved by the State Tax Commission in any amount determined by the State Tax Commission to be necessary to secure at all times the payment by such dealer to the State of Kentucky of all taxes, penalties, and interest due under the provisions of this Act, failing which, the State Tax Commission shall forthwith cancel the license certificate of said dealers. Any surety on any bond furnished by any dealer as above provided shall be released and discharged from any and all liability to the State of Kentucky accruing on such bond after the expiration of sixty (60) days from the date upon which such surety shall have lodged with the State Tax Commission written request to be released and discharged. Provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said sixty-day period. The State Tax Commission shall promptly on receipt of notice of such request notify the dealer who furnished such bond, and, unless such dealer shall on or before the expiration of such sixty-day period file with the State Tax Commission a new bond with a surety company satisfactory to the State Tax Commission in the amount and form hereinbefore in this section provided, the State Tax Commission shall forthwith cancel the license of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted.

(c) If an "at wholesale" dealer shall at any time file a false monthly report of the data or information required by this Act, or shall fail, refuse or neglect to file the monthly report required by this Act, or to pay the full amount of the tax as required by this Act, the State Tax Commission may forthwith cancel the license of said dealer and notify such dealer in writing of such cancellation by registered mail to

the last known address of such dealer appearing on the files of the State Tax Commission. The State Tax Commission is hereby given the power to cancel any license hitherto or hereafter issued to any dealer, such cancellation to become effective sixty (60) days from the date of receipt of the written request of such dealer for cancellation thereof or said State Tax Commission may cancel the license of any dealer upon investigation and sixty (60) days' notice mailed to the last known address of such dealer if it shall ascertain and find that the person to whom such license has been issued is no longer engaged in the receipt, use or sale of gasoline as a dealer, and has not been so engaged for the period of six (6) months prior to such cancellation. But no such license shall be cancelled upon the request of any dealer until and unless the dealer shall, prior to the date of such cancellation, have paid to the State of Kentucky all excise taxes payable under the laws of the State of Kentucky together with any and all penalties and fines accruing by reason of any failure on the part of said dealer to make accurate reports as required by this Act and/or to pay said taxes and/or penalties. In the event that the license of any dealer shall be cancelled by the State Tax Commission as hereinbefore in this section provided, and in the further event that said dealer shall have paid to the State of Kentucky upon the receipt, sale or use of gasoline, together with any and all penalties accruing by reason of any failure on the part of said dealer to make accurate reports or to pay said tax and/or penalties, then the State Tax Commission shall cancel and surrender the bond theretofore filed by said dealer.

(d) Any person who shall engage in business in the State of Kentucky as an "at wholesale" dealer without being the holder of an uncancelled license to engage in business, or who shall, without such license, sell any gasoline upon which the tax herein imposed shall not have been reported and paid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment in the county jail for not less than

thirty (30) days nor more than one (1) year or both so fined and imprisoned in the discretion of the jury. Each day or part thereof during which any person shall engage in business as a dealer without being the holder of an uncancelled license shall constitute a separate offense within the meaning of this section.

§ 8. It shall be the duty of the State Tax Commission to administer and enforce the provisions of this Act, and it is hereby authorized and empowered to prescribe all blanks, forms and reports necessary to carry out the provisions of this Act. It shall certify each month to the State Auditor the total amount of tax paid or collected from each wholesale dealer during the preceding month under the provisions of this Act, and shall accompany said certification with the checks received by it for the payment of said tax and penalties, if any. All costs and expenses incurred by the State Tax Commission in the administration of this Act shall be paid out of the funds collected hereunder.

§ 9. No suit shall be maintained in any court to restrain or delay the collection or payment of the tax herein imposed upon any ground whatever, but the aggrieved taxpayer shall pay the taxes when due, and if paid under protest may at any time within two years from the date of such payment sue the Auditor of Public Accounts in an action of law to recover the tax so paid, with legal interest thereon from the date of payment. If it is legally determined that said tax, or any part thereof, was wrongfully collected for any reason, it shall be the duty of the Auditor of Public Accounts then in office to issue his warrant on the Treasurer of the Commonwealth of Kentucky for the amount of such tax so adjudged to have been wrongfully collected, together with interest thereon, and the Treasurer shall pay same out of the public road fund of the State. A separate suit need not be filed for such separate payment made by any taxpayer, and a recovery may be had in one suit for as many illegal payments as may have been made, and which are not barred by the limitation of two years herein imposed.

§ 10. The provisions of this Act are severable and if any of its provisions or any penalty provided by this Act shall be held unconstitutional, such provision or the particular penalty held to be invalid shall not affect or impair the remainder of the Act or such part of the penalties as are not held to be invalild and the decisions of the courts shall not affect or impair the remaining provisions of this Act or any of the other penalties anywhere in this Act provided. It is hereby declared as a legislative intent that this Act would have been adopted had any unconstitutional provisions or such invalid penalties not been included therein.

§ 11. All of the provisions of Chapter 127 of the Acts of the General Assembly of 1928 and of Chapter 153 of the Acts of the General Assembly of 1930 are hereby repealed and this Act is enacted in lieu of all of said Acts and shall constitute and embrace all of the law of this Commonwealth imposing any tax on gasoline.

§ 12. Whereas, the new provisions of this Act are designed to strengthen the administrative features of the gasoline tax law and to prevent the evasion of the tax which may be practiced under the present law due to the fact that no penalties are provided for failure to execute bond, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

By Senator Jacobs.

S. B. 323. An Act to repeal, amend and re-enact Section 4042a-8 of Kentucky Statutes, relating to the compensation of County Tax Commissioners.

To Committee on Kentucky Statutes No. 2.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The compensation of the County Tax Commissioner, in-

cluding that of his assistants and other expenses, incident to the operation of the office, shall be based upon the total value of the assessment made by him as finally equalized by the County Board of Supervisors, and shall be computed as follows: five (5c) cents on each one hundred ($100.00) dollars of the first two million ($2,000,000.00) dollars, and two (2c) cents on each one hundred ($100.00) dollars of the excess over two million ($2,000,000.00) dollars, except that when the assessment is twenty million ($20,000,000.00) dollars or less the compensation to the County Tax Commissioner and his assistants shall not be more than four thousand ($4,000.00) dollars. When the assessment is in excess of twenty million (20,000,000.00) dollars the compensation of the County Tax Commissioner, including the pay of his deputies and assistants and other official expenses shall be computed at two (2c) cents on each one hundred ($100.00) dollars of taxable property. Provided, however, that in any county having an assessment in excess of thirty-five million ($35,000,000.00) dollars, the County Tax Commissioner shall attach to his or her claim for payment each year a statement sworn to by said County Tax Commissioner showing the exact amount of compensation paid or to be paid to each deputy or assistant for services, in making an assessment, together with an affidavit by each deputy or assistant as to the amount of compensation he or she received or is to receive for services; and he shall also file a complete itemized statement of all other expenses incurred in making such an assessment.

The compensation of the County Tax Commissioner, exclusive of that of his deputies and assistants, shall not exceed four thousand ($4,000.00) dollars per year, provided that in counties assessing more than thirty-five million ($35,000,000.00) dollars the compensation of the County Tax Commissioner, exclusive of that of his deputies, assistants and other official expenses, shall be five thousand ($5,000.00) dollars per annum. The salary of no deputy or assistant shall exceed two thousand five hundred ($2,500.00) dollars per year. Provided further, that the compensation of no County Tax Commissioner shall be less than seven hundred and fifty ($750.00) dollars per year.

In counties assessing more than thirty-five million ($35,000,000.00) dollars the county shall allow to the County Tax Commissioner for assistance one (1c) cent for each two hundred and fifty ($250.00) dollars as assessed by County Tax Commissioner and finally equalized by the County Board of Supervisors. Provided, further, that the county shall allow the County Tax Commissioner ten (10c) cents for listing of each poll tax.

In counties showing an assessment of thirty-five million ($35,000,000.00) dollars or more the County Tax Commissioner shall be entitled to receive an advancement of three hundred ($300.00) dollars per month, except in counties having a city of the first class the present law, regarding advancements shall remain in effect, such advancements to be used for the purpose of defraying the necessary official expenses and partial payment upon the salaries of the Tax Commissioner and his deputies and assistants, and the Auditor of Public Accounts shall on the first day of each calendar month draw his warrant on the treasury in favor of such County Tax Commissioner for the sums as herein provided. The amount of such advancements shall be deducted from the total amount found to be due the Tax Commissioner when yearly settlements are made. Should the Tax Commissioner in any such county die, resign or be removed from office, or should the office of County Tax Commissioner in such county become vacant the sums advanced hereunder shall be deducted from the total sum due for making the assessment.

When the County Tax Commissioner has completed his assessment and has returned his books to the County Court Clerk, and the accuracy of the extensions and additions has been tested by the Clerk as provided by law, he shall present his claim properly verified and showing the total assessed value of the property listed by him as shown by his tax books, to the State Tax Commission for approval and if the Commission finds the claim to be just and correct, it shall approve and certify the same to the Auditor of Public Accounts, who shall draw his warrant upon the treasury in favor of the

County Tax Commissioner for seventy-five (75%) per cent of the amount due upon said assessment. When the County Board of Supervisors has completed its work and the County Clerk has forwarded to the State Tax Commission the recapitulation of the tax books as equalized and corrected by said Board, the Commission shall certify to the Auditor the total amount of compensation to which the County Tax Commissioner is entitled, and the Auditor shall draw his warrant for the balance remaining unpaid thereon.

This Act repeals all laws or parts of laws in conflict herewith.

Senator Isaacs proposed the following resolution:

S. Res. 28. Resolution authorizing the Irvine Construction Company to sue the Commonwealth of Kentucky.

Whereas, the Irvine Construction Company by authority of a contract dated the 11th day of February, A. D. 1931, with the Commonwealth of Kentucky by and through its agent the State Highway Commission, acting in its official capacity, agreed to furnish and deliver all materials and to do and perform all labor or work required and to pay in full for all claims for labor, materials and supplies, furnish in connection therewith, in the construction, improvement or maintenance of the following described section of highway.

Bath County F. A. P. No. 137-BS.

The Owingsville-Farmers road beginning approximately three miles east of Owingsville, Section 167-/-100 and extending to Rowan County line, Station 712-/-77, a distance of approximately 10.212 miles and,

Whereas, the said construction company has now conformed said contract by the completion of said section of said highway and,

Whereas, there is now a disagreement between the said

State Highway Commission, acting for and on behalf of the Commonwealth and the said Irvine Construction Company as to the amount due said Irvine Construction Company under the terms of said contract; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Irvine Construction Company be and it is hereby authorized and permitted to sue the Commonwealth of Kentucky, in the Franklin Circuit Court, for such amount, if any, that may be due said Irvine Construction Company by reason and under the terms of the said contract, by reason of constructing said highway pursuant thereto.

To Committee on Kentucky Statutes No. 1.

COMMITTEE REPORTS

Senator Jacobs of the Committee on Criminal Law, to which had been referred a bill of the following title:

S. B. 40. An Act requiring all county and State officers to issue official receipts, serially numbered, for all collections of money made in an official capacity, prescribing the method of issuing the receipts and fixing the penalty for violations.

Reported with expression of opinion that same ought to pass.

Senator Rogers of the Committee on Municipalities, to which had been referred a bill of the following title:

S. B. 264. An Act to amend Chapter 165 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky entitled an Act relating to the creation of water districts in counties of this State, and providing for the establishment, construction or purchase of water systems.

Reported with expression of opinion that same ought to pass.

Senator Bondurant of the Committee on Insurance, to which had been referred a bill of the following title:

S. B. 260. An Act repealing and re-enacting Sections 4130, 4135, 4143, 4147 and 4148 of Carroll's Kentucky Statutes, 1930 Edition, which sections relate to revenue and taxation, and repealing all Acts, parts of Acts, and laws in conflict with this Act.

Reported with expression of opinion that same ought to pass.

Senator Lloyd of the Committee on Labor and Manufacturing, to which had been referred a bill of the following title:

S. B. 191. An Act prescribing the purpose, duties and authority of the Department of Labor.

Reported with expression of opinion that same ought to pass.

Senator Lloyd of the Committee on Labor and Manufacturing, to which had been referred a bill of the following title:

S. B. 192. An Act to establish an employment service; providing for co-operative agreement with county, municipal, school and Federal Government agencies; prescribing the duties and authority of the chief officer of the Department of Labor to carry out the object of this Act.

Reported with expression of opinion that same ought to pass.

Senator Pogue of the Committee on Kentucky Statutes No. 2, to which had been referred a bill of the following title:

S. B. 213. An Act to promote safety in places of employ-

ment, elevators, boilers and pressure vessels, creating a Kentucky Industrial Safety Board in the Department of Labor, providing for the appointment and qualifications of members thereof, and defining its powers and duties; providing that the chief officer of the Department of Labor shall be the secretary and administrative officer of said Board, prescribing the duties of said secretary, and providing that he shall perform said duties without additional compensation; authorizing the employment of necessary employees; and making an appropriation for the administration of this Act; and providing penalties for the violation thereof; and providing the payment of certain fees for inspection of boilers, and for enforcing payment thereof by actions in the Franklin Circuit Court, and further providing for variations in and for review of the rules and orders of said Board and for appeals therefrom.

Reported with expression of opinion that same ought to pass.

Senator Dawson of the Committee on Roads and Highways, to which had been referred a bill of the following title:

S. B. 181. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road beginning at Haywood, Barren County, Kentucky, by the way of Rocky Hill and Finney, Barren County, Kentucky, to Berr's Store, Warren County, Kentucky, thence to Hydro, Warren County, Kentucky, connecting with Road Project No. 80 in Warren County, Kentucky.

Reported with expression of opinion that same ought to pass.

Senator Dawson of the Committee on Roads and Highways, to which had been referred a bill of the following title:

S. B. 197. An Act to establish as a part of the primary system of State highways a road from near mouth of Abner

Fork of Beaver Creek to upper end of the town of Weeksbury, in Floyd County.

Reported with expression of opinion that same ought to pass.

Senator Dawson of the Committee on Roads and Highways, to which had been referred a bill of the following title:

S. B. 204. An Act establishing as a part of the primary system of State highways a road leading from Haddix in Breathitt County, Kentucky, to Chavies in Perry County, Kentucky.

Reported with expression of opinion that same ought to pass.

Senator Dawson of the Committee on Roads and Highways, to which had been referred a bill of the following title:

S. B. 205. An Act establishing as part of the primary system of State highways a road leading from Blanton Bridge on Route 15 in Breathitt County via Taulbee Post Office to Lee City in Wolfe County, Kentucky.

Reported with expression of opinion that same ought to pass.

Senator Dawson of the Committee on Roads and Highways, to which had been referred bills of the following titles:

S. B. 206. An Act establishing as part of the primary system of State highways a road leading from mouth of Quicksand Creek at intersection of Highway Route 15, up Quicksand Creek, intersecting Quicksand and Hindman Road.

S. B. 207. An Act establishing as part of the primary system of State highways a road leading from mouth of Meat Scaffold Creek via Stevenson, Keck, and intersecting Highway 15 at mouth of Cope Fork of Frozen Creek.

S. B. 208. An Act establishing as part of the primary system of State highways a road leading from Wrigley, Kentucky, via Flatwoods, to Cannel City and Hazel Green Road.

S. B. 225. An Act to amend and re-enact Chapter 269, page 580 of the Acts of the General Assembly of 1924, which is Project No. 126, of Section 4356t-5, of Baldwin's Kentucky Statute Service of Carroll's Kentucky Statutes, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same.

S. B. 227. An Act to establish a primary road project to be known as Project No. — to begin at Piqua in Robertson County, and extend to U. S. Highway No. 68, near its junction with State No. 61 in Nicholas County.

S. B. 229. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 230. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 231. An Act to establish as a part of the primary system of State highways, a road from the Sandy Hook and Louisa road near the J. L. Hulett farm in Lawrence County to the Mayo Trail on George's Creek.

S. B. 232. An Act to be placed on the State primary system of roads, a road from Livingston, the nearest and most practical route, to the Deboult School House on Skaggs Creek in Rockcastle County.

S. B. 233. An Act to add to the State primary system of roads a road from Highway No. 168 near James Bullock's residence at Maretburg to Bromo Post Office by J. D. Noe farm in Rockcastle County.

S. B. 234. An Act to be placed on the State road primary system a road from Biever-Vend Filling Station to Red-Hill School House in Rockcastle County.

S. B. 235. An Act establishing a road project from corporation limits of Scottsville, Kentucky, along present traveled road by Gainesville, Meador, across Osborne Ford on Barren River, by Kepler, Warren County, intersecting the Bowling Green and Glasgow road at Kirby Farm.

S. B. 237. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 238. An Act establishing as part of the primary system of State highways a road from London in Laurel County to McKee in Jackson County.

S. B. 239. An Act to add to the primary system of roads a road from Manchester Pike near Johnston School House to Burning Springs, by Langnau Post Office and Crawford Post Office, in Laurel County.

S. B. 240. An Act to add to the primary system of roads a road from Nelson's Store to Green Mount Post Office in Laurel County.

S. B. 247. An Act establishing as a part of the State primary road system, a road leading from G. D. James' Store in Edmonson County, via Houchin's Ferry and Ollie to Mammoth Cave.

S. B. 250. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Rocky Hill, in Edmonson County, to Merry Oaks, in Barren County.

S. B. 257. An Act to add to the State primary system of highways a road from Marion, Crittenden County, via Chapel Hill and View Vicinity to Francis, Crittenden County.

S. B. 259. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning near Chalybeate and running thence via Chalybeate High School, Pine Grove Presbyterian Church, and Boiling Springs to a point on the Dixie Highway.

S. B. 262. An Act to add to the primary system of roads in Rockcastle County from the entrance of the Dughill Road into Highway 138 to Bishop's Store.

S. B. 263. An Act creating and establishing as part of the primary system of roads and highways of the Commonwealth of Kentucky, a road beginning at Tompkinsville, Monroe County, Kentucky, and leading to the Old Mulkey Meeting House State Park.

S. B. 267. An Act to establish as a part of the primary system of State highways a road beginning at the Glencoe, Kentucky, bridge on the Owen County side, thence to old Sparta in Owen County, Kentucky.

S. B. 280. An Act to establish a State primary road project from River Post Office in Johnson County down the Big Sandy River by way of Richardson, Kentucky, to the mouth of George's Creek.

S. B. 282. An Act to establish as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road from Catlettsburg, Kentucky, to the State Line Between Kentucky and Virginia, to be designated and known as the "WALLACE J. WILLIAMSON HIGHWAY."

S. B. 285. An Act establishing as part of the Primary System of State Highways of the Commonwealth of Kentucky, a road from a point on the Pikeville-Williamson Highway State Route No. 82 near the Mouth of Blackberry Fork of Pond Creek in Pike County, to a point on the State Line Between Kentucky and Virginia on Knox Creek in Said County.

S. B. 286. An Act establishing as part of the Primary system of State Highways a road beginning at a point on State project No. — at the mouth of Turkey Creek in Pike County to a point on State project 82 at or near the Bridge at the mouth of Road Fork of Big Creek.

S. B. 288. An Act relating to Roads and Highways and establishing and creating a Road Project No. 60 extending from Lawton in Carter County to U. S. Road No. 60 at Hayes Crossing in Rowan County, as a State Primary Road.

Reported said bills with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 283. An Act to amend Section 1078 and 1079 of Carroll's Kentucky Statutes, 1930 Edition, in relation to the apportionment of Magisterial Districts. The following amendment was offered by the Committee:

Amend Senate Bill 283 by adding at the end of Section 3 thereof the following: Section No. 3A. The provisions of this act shall not apply to counties containing cities of the first class.

Reported with expression of opinion that same should pass with amendment thereto.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 49. An Act relating to public officers of the Commonwealth of Kentucky.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 263. An Act relating to elections. Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 305. An Act to fix and regulate jury fees where two or more cases are consolidated and tried together.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 130. An Act amending Section 4114i-1, Kentucky Statutes, Carroll's 1930 Edition.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 275. An Act repealing Section 2739f-4, Kentucky Statutes, Carroll's 1930 Edition, including all and singular sub-sections thereof, being all of Chapter 26 of the Acts of the General Assembly of 1922; and enacting lieu thereof an act creating a commission of five members to be known as "My Old Kentucky Home Commission," fixing the qualifications and prescribing the powers and duties of said Commission; and declaring an emergency to exist.

Reported with expression of opinion that same ought to pass.

Senator Brock of the Committee on Mines and Mining to which had been referred a bill of the following title:

Senate B. 151. An Act relating to the safe development and operation of minerals: providing regulations for the location of oil and gas wells and the operation and abandonment of same through workable beds of coal; regulating coal mining operations within the vicinity of such wells; defining the respective duties of the owners and operators for said minerals and the State Department of Mines; prescribing full procedure for carrying into effect all the provisions and providing penalties for any violations of this Act; and, repealing all laws or parts of laws in conflict herewith.

Reported with expression of opinion that same ought pass.

Senator Bondurant of the Committee on Insurance to which a bill of the following title had been referred:

H. B. 54. An Act to amend and re-enact Section 199A of Carroll's 1930 Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky enacted at the 1906 Session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky," entitled, "An Act to amend Section 2 of an Act entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," which Act Became a law, March 24, 1906, without the approval of the Governor.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky

Statutes, nol, to which had been referred a bill of the following title:

S. B. 201. An Act relating to suits or actions by and against a County, City, Municipality, and other taxing Districts, to enjoin the Issuance of bonds thereof, and forbidding the issuance thereof, except on the approval of a court of competent jurisdiction, prescribing the practice and fixing the burden of proof.

Reported with expression of opinion that same should pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, Nol, to which had been referred a bill of the following title:

S. B. 255. An Act to regulate traffic over and upon bridges and ferries now or hereafter owned or operated by the Commonwealth of Kentucky through its agent, the State Highway Commission of Kentucky; making it unlawful for any person, except those specifically exempted by this Act, to pass over or upon any bridge or ferry so owned or operated without paying the required toll; vesting in collectors of tolls stationed at or upon any bridge or ferry so owned or operated with the powers of peace officers; vesting in the State Highway Commission of Kentucky power to make rules and regulations for the enforcement of this Act, and, also, prescribing penalties for the commission of offenses defined in this Act.

Reported with expression of opinion that same should pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which a bill of the following title had been referred:

S. B. 268. An Act to amend Section 559 Kentucky Statutes, Carroll's 1930 Edition by striking out of said section the

words "two-third" and substituting in lieu thereof the word "majority."

Reported with expression of opinion that same should pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 144. An Act providing for the creation of an educational commission, prescribing its powers and duties and the duties of persons in connection with it, and fixing penalties for failure to perform same, and declaring an emergency.

Reported with expression of opinion that same should pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, Nol, to which had been referred a bill of the following title:

S. B. 79. An Act to repeal and re-enact Sections 216a-1; 216a-7; 216aa-8; 216aa-25; 216aa-27; 216aa-28; and to repeal Sections 216aa-4; 216aa-5; 216aa-6; of Carroll's Kentucky Statutes, 1930, relating to the State Board of Charities and Corrections, its management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this State; declaring an emergency, and repealing all laws, or parts of laws, in conflict herewith to the extent of such conflict. With the following amendments: By Committee:

Amend Senate Bill 79 by striking from the printed bill all of section three thereof, beginning with line 1, ending with line 8.

Amend Senate Bill 79 by striking out line 7 of section 1 thereof and substituting in lieu thereof the following; "Department of Public Welfare."

Amend title to S. B. 79 by striking from line 1 of the title of the printed bill the following:
216aa-8.

Reported with expression of opinion that same ought to pass with amendments thereto.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 209. An Act to amend and re-enact Section 3024-a-4 of Carroll's Kentucky Statutes, 1930 Edition, which is Section 4 of Chapter 16 of the Acts of the General Assembly of 1906, pertaining to the controlling, management and operation of Water Works in cities of the first class.

Reported with expression of opinion that same should pass.

Senator Turner of the Committee on Charities and Corrections to which had been referred a bill of the following title:

S. B. 148. An Act relating to charitable and correctional institutions and providing for the conveyance of sites on the ground or other real estate now held or hereafter acquired by or to the State Board of Charities and Corrections or any charitable or correctional institution of the Commonwealth, or now held or hereafter acquired by the Commonwealth of Kentucky for use of said Board or institutions, for building to be used in connection with said board or institutions; providing for the erection of buildings thereon, providing for the leasing of such site and building to such Board or institutions at a rental which will amortize the cost of the erection of such buildings; and providing for the reacquisition of the title thereto by such Board.

Reported with the expression of opinion that same ought to pass.

Senator Ragan of the Committee on Public Health, to which had been referred a bill of the following title:

S. B. 290. An Act for the establishment and maintenance at each of the State Hospitals for the Insane in the Commonwealth of Kentucky a training course for attendants, prescribing the studies to be required in said courses for attendants, fixing qualifications for training course and the qualifications required of such supervisor, and prescribing the duties of such supervisor and limiting the salary for such position.

Reported without an expression of opinion.

The question being taken thereon, as to whether the bill be given its first reading, the report of the committee to the contrary notwithstanding Senator Hamilton moved that said bill be read into the calendar.

The yeas and nays being required thereon, in accordance with the rules of the Senate, resulted as follows, viz.:

Those who voted in the negative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Frank I. Lloyd	R. H. Royster
H. M. Brock	C.T.McCormick,Sr.	E. D. Stephenson
Edwin C. Dawson	Wm. Mehler	Thos. O. Turner
Dr. T. J. Edge	E. C. Moore	Fred C. VanHoose
Walter N. Flippin	Ray B. Moss	F. M. White
Perry B. Gaines	D. C. Naive	Sewell B. Williams
Arch Hamilton	Marion F. Pogue	Allie W. Young
Robert Humphreys	Dr. G. W. Ragan	Gates F. Young
Wm. Isaacs	O. M. Rogers	—29

Those who voted in the affirmative were:

Rev. C. D. McClaw —1

Therefore, said bill was refused its first reading.

ENROLLMENT REPORT

Senator Stewart of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

H. B. 16. An Act to amend and re-enact Section 20 of Chapter 91 of 1930 Acts of the General Assembly of the State of Kentucky and known as "An Act relating to the Government of cities of the second class of the Commonwealth of Kentucky, approved February 12, 1930.

S. Res. 21. A resolution of the General Assembly of the Commonwealth of Kentucky memorializing Congress to provide a pension for widows and orphans of deceased ex-service men.

S. B. 4. An Act amending Sections 3766e-2, Kentucky Statutes, Baldwin's Kentucky Statutes Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, and 3766e-9, Kentucky Statutes, Carroll's 1930 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, and Section 9, Chapter 164 of the Acts of the General Assembly of 1928, respectively, and declaring an emergency to exist.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the Senate, to the Clerk.

Ordered that the Clerk deliver the enrolled bills and reso-

lutions which originated in the Senate, and which had been signed by the presiding officers of the Senate and House of Representatives, to the Governor.

After a time, the Clerk reported that he had performed that duty.

In pursuance to a resolution of the General Assembly to meet in Joint Session at 11 o'clock A. M., on February 4th to pay tribute to the first president of the United States, George Washington, and upon the anniversary of the signing of the act of Congress admitting Kentucky to statehood, the Senate assembled with the House of Representatives in the House chamber and after an address of presentation of a bust of George Washington by the Honorable Virgil Chapman, Congressman from the Seventh Congressional District of Kentucky, the bust was accepted by Governor Ruby Laffoon for the State of Kentucky to be placed in the Hall of Fame in the rotunda of the State Capitol.

Also, in pursuance to another joint resolution of the General Assembly, the Senate assembled with the House of Representatives in the House Chamber and elected as State Librarian Mrs. J. Campbell Cantrill for a term of four years.

The Joint Session was dissolved and the Senate returned to the Senate Chamber and resumed business.

A message was received from the House of Representatives announcing that they had adopted a resolution, as follows:

H. Res. 37. Be it resolved by the House of Representatives, the Senate concurring therein, that the Senate and House of Representatives meet in Joint Session on Thursday, February 4, 1932, at 12 o'clock noon for the purpose of electing a State Librarian to succeed the present incumbent, Mrs. J. Campbell Cantrill, for a period of four years, commencing July 1, 1932 and ending July 1, 1936, whose present term of office will expire on the first Monday in June, 1932.

Senator Gaines moved the suspension of the rules, and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution, it was decided in the affirmative.

Said resolution was adopted.

A message received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 150. An Act requiring all vehicles traveling any highway, public road, or street, to carry lights or lanterns of sufficient brightness to show the outline of the left side of such vehicle, an amendment of Section 2739 G 24, Carroll's Edition of Kentucky Statutes, excepting therefrom wagons, buggies or slow moving vehicles or motorless vehicles while traveling on roads, other than State and Federal or State Roads and highways.

It was ordered that said bill be referred to the Committee on Motor Vehicles.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2739-G-24 of Carroll's Kentucky Statutes be amended by repealing all of said section and re-enacting in lieu thereof the following:

That all automobiles, motor trucks, bicycles, wagons, buggies, motorcycles, and each and every other kind of vehicle used or operated upon any public highway, road, or street, in the Commonwealth of Kentucky, are required to display lights as follows:

(1) At the rear one lighted lamp showing red visible from the rear two hundred feet away, whether said vehicle be in operation or stationary.

(2) When in operation bicycles and two-wheeled motorcycles shall have at least one, and all other automobiles, and trucks, including three-wheeled motorcycles, shall have at least two lighted lamps in front, showing white, or tinted other than red light, and of sufficient power to clearly reveal substantial objects at least two hundred (feet ahead) except for bicycles, fifty feet ahead; provided, any light projected ahead or sidewise shall be so arranged or deflected that no glaring rays from it or from any reflector shall be at any time more than three and one-half feet above a level surface at a distance of seventy-five feet or more ahead of such vehicle, and provided, further, that in case of accident or emergency, automobiles or trucks may display lantern or other lights of smaller power, but if insufficient to clearly reveal substantial objects at least seventy-five feet ahead, shall not proceed at a rate of speed in excess of eight miles an hour: Provided, that no automobile or truck shall be sold in this Commonwealth unless the light projected by the headlights meets the foregoing requirements at the time of the sale.

(3) When in operation wagons, buggies or any other slow moving vehicles or motorless vehicle while traveling on any State or Federal or State and Federal road or highway, shall have at least one lighted lamp on the left side of said vehicle whether from the front or rear, showing white and of sufficient power to clearly reveal the outline of the left side of said vehicle and so that said outline may be observed by approaching vehicles from a distance of at least one hundred feet.

(4) Cities or towns may by ordinance designate certain well lighted streets or parts thereof during certain periods as being sufficiently illuminated to make lights on parked vehicles unnecessary, in which case Paragraphs 1, 2, and 3, shall not apply to such vehicles parked in such streets during such period and may also provide that when in operation in such

designated streets or parts thereof during such period light or lights in front may be of lesser power as is provided in Paragraphs 2 and 3 in which case the provisions of paragraphs 2 and 3 shall not apply.

(5) All laws or parts of laws in conflict herewith are hereby repealed.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

H. B. 26. An Act to authorize the Governor of the Commonwealth of Kentucky to lengthen or delay the time of payment of taxes, interest on taxes, and to give the proper relief to sheriffs when such delays be granted by the Governor's Proclamation.

It was ordered that said bill be referred to the Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in case of extreme drought and the failure in whole or in part of crops in the Commonwealth of Kentucky; That in case of continued unemployment due to any and all economic changes; that in case of extreme destruction of property, live stock or crops by wind, rain, lightning, earthquakes or tornadoes or any other act of Providence destructive to the financial interest of the peoples of the State. That in case due to any one or more of the above listed causes, financial embarrassment and distress lays a heavy hand upon the taxpayers of the Commonwealth, and wherein the public good, the public happiness and the general welfare of the people of the State can best be served and protected, that the Governor of the Commonwealth of Kentucky be vested with full authority when in his wise and better judgment he be convinced

that an extreme emergency exists and extreme financial distress is present among the taxpayers of the State and that relief in the premises would serve the best interest of the taxpayers of Kentucky or any part thereof, then the Governor of the Commonwealth of Kentucky shall by a proclamation delay or lengthen the time for payment on any taxes or interest, either or both, due to the State or counties, for a period not less than thirty days or more than ninety days at the discretion of the Governor. Said proclamation may apply to one or more counties or to the entire State.

§ 2. The sheriffs of the Commonwealth of Kentucky shall have full relief for any taxes, interest or penalties exacted of them by any law in the event of such proclamation by the Governor of this Commonwealth.

§ 3. All laws in conflict are hereby repealed to the extent of such conflict.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

S. B. 4. An Act amending Sections 3766e-2, Kentucky Statutes, Baldwin's Kentucky Statutes Service, supplementing Carroll's Kentucky Statutes, 1931 Edition, and 3766e-9, Kentucky Statutes, Carroll's 1930 Edition, being Section 2, Chapter 131 of the Acts of the General Assembly of 1930, and Section 9, Chapter 164 of the Acts of the General Assembly of 1928, respectively, and declaring an emergency to exist.

Senator Franklin moved that the Senate recess until 1:30 P. M.

Said motion was agreed to.

The Senate reconvened at 1:30 o'clock P. M.

Senator Franklin moved that the privileges of the floor be extended to Paul Mansfield.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Dr. W. L. Martin, Harry Martin and C. G. Blair.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Mrs. Inez Belmear of Frankfort.

Said motion was agreed to.

Senator Van Hoose moved that the privileges of the floor be extended to Prof. H. R. Brown, J. H. Frail, H. G. Chandler, Aaron Moore and Frank Persil of Paintsville.

Said motion was agreed to.

Senator Naive moved that the privileges of the floor be extended to Messrs. Hickman, Quinton, Gunn, Bowman, Reading and Huffman of Lexington, Mr. Hardcastle of Cincinnati, Mr. Schrader of Paris and Miss Scott of Nicholasville.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to Mrs. J. M. Roby and Mrs. Geo. Penn.

Said motion was agreed to.

Senator McCormick moved that the privileges of the floor be extended to Mr. Emerson Beauchamp.

Said motion was agreed to.

Senator Franklin moved that the privileges of the floor be extended to Miss Florida Talbott.

Said motion was agreed to.

Senator Edge moved that the privileges of the floor be extended to Hon. A. S. Bennett of Hartford.

Said motion was agreed to.

Senator Naive moved that the privileges of the floor be extended to Mr. Hickey and Mr. Thompson.

Said motion was agreed to.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 145. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of Dentistry in the State of Kentucky.

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 107. An Act relating to jailers and providing for

the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the Sheriff of the county, and providing for compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works; and further providing for definition of terms used, enforcement of and penalty for violation of this Act.

Senator Mehler moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 57. An Act to repeal and re-enact Section 2290-B Carroll's Kentucky Statute, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8 hrs.) hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth. And providing for the enforcement of and penalties for violation thereof.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 63. An Act to repeal sections 6, 7, 8, 9, 10 and 26 of Chapter 92 page 477 of the Acts of the General Assembly of 1914, being a portion of the Act providing for the Commission Form of Government for cities of the Third Class, and the sections repealed by this Act are now sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10 and 3480b-26 of Carroll's Kentucky Statutes 1930 Edition, and providing in lieu thereof, that the Mayor, Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the Third class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of 1914 relating to the commission form of government of the cities of the Third Class, being now sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Kentucky Statutes, Carroll's Edition of 1930, be and they are hereby repealed and the following is enacted in lieu thereof:

§ 2. The Mayor, Police Judge, Prosecuting Attorney of the Police Court, and City Commissioners, shall be nominated and elected in the manner provided by the general election laws and general primary law of the State of Kentucky for the nomination and election of State and county officers.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Senator Hamilton proposed the following amendment to said bill:

Amend Section No. 1 House Bill No. 63 in the Senate by inserting after the figures 1930 in line 5 on page 1 on the printed bill the following words and figures, to-wit: "And sections 6, 7, 8 and 9 of Chapter 91 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky."

Senator Hamilton moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Hamilton proposed the following amendment to said bill:

Amend section 2 of House Bill No. 63 in the Senate by adding after the word "Commissioners" in line 2 on page 2 of the printed bill the following words and figures, to-wit: "of cities of the 3rd class and the Mayor and Commissioners of cities of the 2nd class."

Senator Hamilton moved the adoption of said amendment.

The question being taken thereon was decided in the affirmative and

Said amendment was adopted.

Senator Gates F. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	Marion F. Pogue
H. M. Brock	Alex E. Johnson	Dr. G. W. Ragan
Thos. C. Ferguson	L. C. Littrell	O. M. Rogers
Walter N. Flippin	Frank I. Lloyd	J. M. Rose
Chas. G. Franklin	Rev. C. D. McCaw	E. D. Stephenson
Perry B. Gaines	C.T.McCormick,Sr.	Joe Stewart
Arch Hamilton	Wm. Mehler	Thos. O. Turner
J. S. W. Holloway	E. C. Moore	Sewell B. Williams
Robert Humphreys	Ray B. Moss	Allie W. Young
Wm. Isaacs	D. C. Naive	Gates F. Young

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Senator Hamilton proposed the following amendment to the title of said bill:

"Amend the title to House Bill No. 63 in the Senate by adding after the word edition in line 6 of the title of said Act the following words and figures, to-wit: "and sections 6, 7, 8 and 9 of Chapter 91 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky" and by adding after the word "class" in the 8th line of the title in said Act the following words, to-wit: "and the Mayor and Commissioners of cities of the 2nd class."

Senator Hamilton moved that said amendment to the title be adopted.

The question being taken thereon, it was decided in the affirmative.

Said title was amended.

Resolved that the title thereof be as amended.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 3. An Act to amend and re-enact Section 199A of Carroll's (1930) Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 Session thereof, and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky," entitled, "An Act to amend Section 2 of an Act entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," which Act became a law, March 24, 1906, without the approval of the Governor.

Senator Littrell moved that said bill be passed and hold its place in the Orders of the Day.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act to define, license and regulate the business of making loans or advancements in the amount or of the value of Three Hundred Dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount,

consideration, or charge than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of Three Hundred Dollars ($300) or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the banking commissioner under this Act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes (1930), and repealing all acts and parts of acts in conflict with the provisions of this act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 21. An Act to re-enact and amend Chapter 35, Section 5 of the Acts of the General Assembly of 1930 requiring publishers and their agents to sell textbooks to dealers on a consignment basis.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 35, Section 5 of the Acts of 1930 be amended and re-enacted by appending to section 5 these words, "all Textbooks to be supplied by the publishers or their agents to the dealers or school units are to be on a Consignment basis, reports and payment for books sold to be made every 60 days.

The publisher or his legal agents may check the stock of

textbook dealer at any time." So that said section when amended and re-enacted shall read as follows:

Sec. 5. Each board of education in the Commonwealth may appoint a dealer, or dealers, to act as official retail agent, or agents, for the sale of books for use in such school district, or any school unit may purchase and distribute books, etc., to its own patrons instead of having an agent or dealer to handle the books. Publishers whose books have been adopted under the provisions of this act shall furnish such books either through such official retail agents, or through respective boards of education, at the lowest net wholesale price and the lowest net exchange price listed with the Superintendent of Public Instruction, f. o. b., the publisher's nearest shipping point. Such official retail agent, or agents, shall give a reasonable bond, if required, to respective publishers who have contracts to furnish adopted texts. All orders given by such retail agent, or board of education, shall be promptly filled. Such official retail agent, or agents, shall sell such books at not more than fifteen per cent in excess of the net wholesale price. Where old books, displaced by a new adoption, or offered by pupils in exchange for the corresponding new books, such new books shall be offered at a price not to exceed by more than fifteen percent the net exchange price listed by the publisher. If any such agent violates the requirements of this act, or fails to give reasonable bond requested by any publisher, the board of education that appoint such agent, by giving notice prior to May 1 in any year, may revoke the appointment of such agent on July 1 of that year. When an agent or dealer's permit is revoked or terminates by mutual agreement or otherwise, all textbooks as per inventory of the dealer or agent must be paid for at wholesale price by the company, firm or individual from whom such textbooks were purchased, providing such textbooks or of the lawful adoption. All textbooks to be supplied by the publishers or their agents to the dealeres or school units are to be on a consignment basis, reports and payment for textbooks sold to be made every 60 days. The publishers or his legal agent may check the stock of any textbook dealer at any time.

Senator Rose proposed the following amendment to said bill:

Amend Senate Bill 21 by adding in line 39 of printed bill these words: "Any existing contracts between publishers and the Commonwealth of Kentucky are recognized as valid and the provisions shall only apply to future contracts between publishers and the Commonwealth of Kentucky."

Senator Rose moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Rose moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Walter N. Flippin	Wm. Isaacs
W. W. Booles	Chas. G. Franklin	Silas Jacobs
H. M. Brock	Perry B. Gaines	Alex E. Johnson
Edwin C. Dawson	Arch Hamilton	L. C. Littrell
Thos. C. Ferguson	J. S. W. Holloway	Frank I. Lloyd

Wm. Mehler	J. M. Rose	Fred C. VanHoose
E. C. Moore	R. H. Royster	F. M. White
Ray B. Moss	E. D. Stephenson	Sewell B. Williams
Dr. G. W. Ragan	Joe Stewart	Gates F. Young
O. M. Rogers		—28

Those who voted in the negative were:

D. C. Naive —1

Resolved that the title thereof be as aforesaid.

Senator Rose moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 217. An Act to regulate hairdressing and cosmetology; to create the Kentucky State Board of Hairdressing and Cosmetology Examiners; to provide for the licensing and registration of hairdressers and cosmetologists; to empower said Board to enforce the laws, rules and regulations relative to hairdressers and cosmetologists.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following words and phrases when used in this Act shall be construed as follows:

1. "The practice of hairdressing and cosmetology" shall mean the engaging by any person for hire or reward in any one or more of the following practices: The application of the hands or of mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, anti-

sepetics or clays, to massage, cleanse, stimulate, manipulate, exercise or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands, bust or upper part of the body of any female person; or to remove superfluous hair from the body of any female person; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color or similarly treat the hair of any female person.

2. "Board" shall mean the board of examiners appointed under the provisions of Section Six of this Act.

3. "Apprentice" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of hairdressing and cosmetology under the direction and supervision of a person duly authorized under this act to practice hairdressing and cosmetology.

§ 2. It shall be unlawful for any person to practice hairdressing and cosmetology in this State unless they shall first have obtained a certificate of registration as provided in this Act, or unless they shall be acting within the scope of their employment as an apprentice.

§ 3. Any person shall be eligible to obtain a certificate of registration under this Act (a) who is at least 16 years of age, (b) who is of good moral character, (c) who shall furnish the certificate under oath of a physician duly licensed to practice in this State that such person is free from contagious or infectious disease; (d) who has satisfactorily completed a course of instructions in a school of hairdressing and cosmetology approved by said board, or in lieu thereof has had a total experience of an apprentice of two thousand hours distributed over a period of at least one year, and (e) who has satisfactorily passed an examination conducted by said board to determine their fitness to receive such certificate. Each applicant for such examination shall make written application therefor, on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under this Act

and shall be sworn to by the applicant. Said application shall be filed with the secretary of said board and shall be accompanied by an examination fee of ten dollars.

§ 4. No school of hairdressing and cosmetology shall be approved by said board unless it has a minimum requirement of a continuous course of study of one thousand hours, distributed over a term of not less than six months. Such course shall include practical demonstrations, written or oral tests and theoretical and practical instructions in sanitation, sterilization, and the use of antiseptics, cosmetics and electrical appliances, which course of study and instructions shall be subject to the approval of said board. No school of hairdressing and cosmetology shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be one hundred dollars ($100.00). Any certificate of approval issued by said board to any school shall be good for one year from date when issued, unless sooner revoked. Said certificate may, so long as the school continues to meet the approval of said board, be renewed from year to year upon the payment of a fee of one hundred dollars ($100.00) for each renewal. The board may revoke any such certificate at any time for cause; provided, however, that any such certificate is revoked notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. No person shall be engaged to instruct in any of the branches of hairdressing and cosmetology as defined in Section One of this Act unless said instructor has a certificate to practice hairdressing and cosmetology under the provisions of this Act.

§ 5. Any person who has actively and continuously practiced hairdressing and cosmetology at an established place of business in this State for a period of six months prior to the adoption of this Act shall be entitled to a certificate of registration without examination upon payment of a fee of five dollars; provided, however, that such person shall within thirty days after said board shall have been appointed file with the secretary of said board an affidavit setting forth their

name, residence, length of time during which and the place or places where he or she has practiced hairdressing and cosmetology. Any person licensed to practice hairdressing and cosmetology in another State under requirements substantially equal to those specified in this Act shall upon the payment of a fee of ten dollars be entitled to a certificate of registration without examination, provided such person resides or intends in good faith to reside in this State.

§ 6. There shall be a State board for the practice of hairdressing and cosmetology, consisting of three members who shall be citizens of this State and of the United States, and who shall have been engaged in the practice of hairdressing and cosmetology in this State at least five years prior to their appointment. No two members of said board shall be graduates of the same school and no owner or manager of a school may become a member of said board.

§ 7. There is hereby created a Board of Hairdressing and Cosmetology Examiners to be known as The Kentucky State Board of Hairdressing and Cosmetology Examiners. That said board shall consist of three members and shall be appointed by the Governor from persons qualified under Section Six of this Act. One member of the first board shall serve for one (1) year from the date of his or her appointment and qualification and the other two (2) members appointed shall serve for two (2) years from the date of their appointments and qualification. At the expiration of the term of office of the one member appointed for one year his successor shall be appointed for a term of three (3) years thereafter. At the expiration of the term of office of the two members appointed for two (2) years their successors shall be appointed for a term of four (4) years thereafter. The Governor shall make such appointments within thirty days after this Act becomes a law.

§ 8. Said board shall organize as soon as may be after its appointment and qualification by electing one of its members as chairman, one as secretary and one as treasurer, and such organization shall continue until the appointment of any

new member of said board. The secretary of said board shall keep a record of all proceedings, issue all notices, registration certificates, cards, attest all such papers and orders as said board shall direct and perform such other duties as shall be designated by said board.

§ 9. Said board shall make rules and regulations not contrary to law concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section one of this Act, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where hairdressing and cosmetology is practiced, and by persons engaged in such practice, and shall cause such rules and regulations to be printed in suitable form, and a copy thereof be sent to the proprietor of every shop or other establishment in this State where hairdressing or cosmetology is practiced. It shall be the duty of every such proprietor to keep posted in a conspicuous place in said shop, so as to be easily read by customers, a copy of such rules and regulations. The failure of any person holding a license as hereinafter provided, to observe the requirements of such rules and regulations shall be sufficient cause for the revocation of such license; but no such license shall be revoked without a reasonable opportunity being offered to such person to be heard in their defense. Any member of said board shall have power to enter and make reasonable examination of any such shop or establishment during business hours for the purpose of ascertaining the sanitary conditions thereof. Nothing in this Act shall be construed as preventing any person, firm or corporation from conducting such shop or establishment, provided the employees thereof actually engaged in the practice of hairdressing and cosmetology are duly registered as provided under this Act and that such shop or establishment is duly licensed as hereinafter provided. Any such shop or establishment in which tools, appliances, and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is hereby declared to be a common nuisance, and the proprietor thereof shall be subject to prose-

cution and punishment thereof. No person, firm or corporation shall operate or cause to be operated a shop or establishment where hairdressing or cosmetology is practiced unless such shop or establishment shall be duly licensed as provided in this section. Said board may make rules and regulations not contrary to law relative to making application for such license; provided, however, that no such shop or establishment shall be licensed by said board unless the proprietor or manager thereof for the time being, has, for a period of at least two years, held a certificate of registration from said board as provided in this Act or is entitled to a certificate of registration under the terms of Section Five hereof. The fee for such license shall be twenty-five dollars ($25.00) and said license shall be renewed on the first day of July in each year, and the holder of such license shall pay to the secretary of said board the sum of twenty-five dollars ($25.00) for each renewal thereof. The failure of any person to observe the requirements of any rules and regulations made by said board shall be sufficient cause for the revocation of said license; but no such license shall be revoked without a reasonable opportunity being offered to such person to show cause why such license should not be revoked.

§ 10. Beginning July 1, 1932, and thereafter the fees received by said board under the provisions of this Act shall be paid monthly to the general treasurer. Members of said board shall be allowed the sum of ten dollars per day for actual attendance upon any examination or inspection and their necessary traveling expenses in the discharge of their duties, and the General Assembly shall annually appropriate such sums as it may deem necessary for the payment of such allowance and traveling expense and for office expenses of the board; provided, that no payment for allowance or expenses shall be made by the general treasurer in any fiscal year in excess of the sum paid by the board to the general treasurer during such fiscal year. The State House Commission shall provide an office in the State House for the use of the board and furnish the same whenever rooms are available for such purpose.

§ 11. Said board shall present annually to the Governor in the month of July a detailed statement of the receipts and disbursements of the board during the preceding fiscal year, together with a statement of its acts and proceedings, and such recommendations as it may deem proper. Any moneys in the hands of the treasurer of said board at the time of making such report in excess of five hundred dollars ($500.00) shall be paid over to the general treasurer.

§ 12. Said board shall hold each year at least two public examinations in the City of Louisville, Kentucky, at such times as it shall designate; notice whereof shall be given by a publication at least ten days before the holding of any such meeting in at least one newspaper of general circulation in this State.

§ 13. Every apprentice, in order to avail himself of the provisions of this Act, shall within ten days after entering upon his or her apprenticeship, file with the secretary of the board a statement in writing setting forth that said apprentice is free from contagious or infectious disease, the name and place of business of their employer, the date of commencement of such apprenticeship, and the full name and age of said apprentice, which age shall be not less than sixteen years. Any such apprentice who shall change their place of employment shall promptly notify the board and furnish it with the name and place of business of the new employer and the date of such change. No fee shall be charged such apprentice for any supervision provided for in this Act.

§ 14. Said board shall furnish to each person to whom a certificate of registration is issued, a card bearing the seal of the board and the signature of all of its members, certifying that the holder thereof is entitled to practice hairdressing and cosmetology in this State, and it shall be the duty of the holder of such card to post the same in a conspicuous place where it may be readily seen by all persons whom he or she may serve. Said card shall be renewed on or before the first day of July in each year, and the holder of said certificate

of registration shall pay to the secretary of said board the sum of three dollars for said renewal card. Upon the failure of any holder of a certificate of registration to apply for such renewal on or before the first day of July in each year, said certificate may be revoked by said board, subject to the provisions of section sixteen of this Act.

§ 15. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this Act, and said register shall be at all times open to public inspection.

§ 16. Said Board shall have the power to revoke any certificate of registration granted by it under this Act, for (a) gross incompetency; (b) the keeping of a shop or other establishment, or tools, appliances or furnishings thereof in an unclean or unsanitary condition; (c) failure to comply with the requirements of Section Fourteen of this Act; provided, that before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him or her, and shall have a reasonable opportunity to be heard in his or her defense. Any person whose certificate has been so revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualification has ceased. Said board shall have power by its chairman to summon any person as a witness and testify at any hearing appointed by it regarding any such charge preferred by said board, and to examine such witness. Any person aggrieved by any order or decision of said board may, within thirty days, exclusive of Sundays and legal holidays, after receiving notice of said decision, appeal therefrom to the Superior Court for the county in which such person resides or does business.

§ 17. Any person engaged in the practice of hairdressing or cosmetology in this State without having obtained a certificate of registration as provided by this Act, or knowingly employing a person to practice hairdressing or cosmetology who has not such a certificate, unless he or she be

an apprentice within the meaning of this Act, or falsely pretending to be qualified to practice hairdressing and cosmetology under this Act, or violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars nor less than twenty dollars, or by imprisonment not exceeding three months, and every person shall be deemed guilty of a separate and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has begun against any such person for the violation of the provisions of this Act.

§ 18. Complaints for the violation of the provisions of this Act may be made by a member of said board or any person authorized by said board, who shall be exempt from giving surety for costs of any such complaint.

§ 19. The prohibitions and penalties of this Act shall not apply to licensed physicians, licensed osteopaths, registered nurses when acting within the scope of their profession or occupation as defined by law.

Senator Ferguson proposed the following amendment to said bill:

Amend Senate Bill 217 by inserting the following words at the end of subsection 1, paragraph 1, of the printed bill: "Provided, however, that no person authorized to practice cosmetology as herein defined shall be permitted to use or apply upon the face, neck, lips, arms or body of any female person, any rouge, paint, powder or lipstick."

Senator Holloway moved to postpone said bill indefinitely.

The question being taken thereon, it was decided in the affirmative and

Said bill was postponed indefinitely.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 17. An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending Sections nine hundred and twenty-nine (929), nine hundred and thirty-four (934) of Kentucky Statutes, 1930, Carroll's Edition, as amended by Chapter 153 of the Acts of 1920, Session of the General Assembly of the Commonwealth of Kentucky, nine hundred and thirty-five (935), and eighteen hundred and thirty-eight (1838), Kentucky Statutes, 1930, Carroll's Edition; and repealing Section nine hundred and thirty-eight (938), Kentucky Statutes, 1930, Carroll's Edition, and Section eighteen hundred and forty a (1840a), Kentucky Statutes, 1930, Carroll's Edition; as amended by Section 1 of Chapter 67 of Acts of 1916, Session of General Assembly of Commonwealth of Kentucky; providing for the compensation of county treasurer, and the designating by the fiscal court of depositories for county funds and the fixing of interest rates to be charged by the county; and providing for penalties for the violation of any of the provisions of this Act.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal affairs of each county of the Commonwealth of Kentucky shall be administered by the fiscal court under a uniform budget system. The county budget shall provide for all the funds to be expended by the county from current revenue for each fiscal year.

All funds of the county provided by bond issues shall be

appropriated and accounted for under the provisions of this Act.

§ 2. There is hereby created in each county of the Commonwealth of Kentucky a county budget commission. The county budget commission shall be composed of the county judge, who by virtue of his office shall be chairman of the commission, and two members to be appointed by the county judge, by an order entered on the county court order book. The county treasurer shall by virtue of his office be the secretary of said commission. The appointive members of the county budget commission shall be at least thirty years of age, citizens, residents and taxpayers of the county. The budget commissioners first appointed under this Act shall hold their respective offices until the first Monday in January, 1934, and their successors shall be appointed by the county judge and shall hold their respective offices for a term of four years from and after the first Monday in January, 1934, and until their successors shall have been appointed and qualified. The appointive members of the county budget commission shall take the oath of office as required by law for other county officials before entering upon the discharge of their official duties. A vacancy on said commission by resignation, removal from the county, or otherwise, shall be filled by the county judge. The appointive members of the county budget commission shall serve without compensation, and the county judge and county treasurer shall not be allowed any additional compensation for their services as members of said commission.

The county judge shall have the right to remove from office an appointive member of the county budget commission at any time for cause.

§ 3. In the classification of county expenditures each separate activity of the county for which county funds from current revenue are to be expended by the fiscal court shall be construed to constitute a separate budget unit. If any budget unit includes more than one class of expenditures, the said

budget unit shall be subdivided into budget funds so that the cost of each separate class of expenditures of the county can be ascertained. The funds set apart in the county budget for a budget unit, or any subdivision thereof, shall be construed to constitute a separate budget fund, and shall be appropriated and accounted for separately.

It shall be the duty of the State budget commission to furnish to each county budget commission the form of a properly drawn county budget provided for under the provisions of this act; and the form of the county budget so furnished each of the county budget commissioners shall be uniform. The budget commission of the State is given the power and authority to approve all county budgets as to form and arrangement of budget unit, and all subdivisions thereof. This authority is vested in the State budget commission for the sole and exclusive purpose of establishing and maintaining in each county of the Commonwealth of Kentucky a uniform budget system, so that the costs of each separate activity of county government can be ascertained for the information of the people of the State.

The county budget shall have a fund to be known as the "General Expense Fund" out of which the emergency expenses of the county can be paid. If the county has a bonded indebtedness, the county budget shall have a fund to be known as the "Sinking Fund" out of which the bonded indebtedness, including interest thereon, shall be paid. The county budget shall have a fund to be known as the "Interest Fund" for the payment of the interest on all interest-bearing county warrants and notes.

§ 4. If any county has a floating indebtedness evidenced by county warrants or contracts of the county, the county budget shall provide a fund to be known as the "Sinking Fund to Pay Floating Indebtedness," and said indebtedness shall be paid off and discharged from said fund.

§ 5. The county budget commission in the preparation

of the county budget shall use the form of the county budget furnished to them by the State budget commission, and the county budget commission shall have no power or authority to make any changes in the form of the county budget so furnished to them by the State budget commission or the arrangements of any budget units or subdivisions thereof.

The county budget commission may adjourn from time to time until the county budget has been completed, and may hold such hearings as they may deem necessary in the preparation of the county budget. Their preparation of the county budget, however, being limited to proposing to the fiscal court the sums of money to be expended by the county under the county budget for the ensuing fiscal year.

The county budget commission shall also, as a part of their duties, prepare for the fiscal court an itemized county tax levy to raise each separate budget fund provided for in the county budget prepared by them, which shall be filed with the clerk of the county court at the time the proposed county budget is filed.

The county budget commission shall also prepare and file at the time provided for filing the proposed county budget an itemized tax levy, a written statement explaining their reasons for proposing the adoption of the budget funds provided in the county budget, together with all data and records considered by them showing the resources of the county and its needs in the preparation of the county budget, for the information of the fiscal court in consideration of the county budget and county levy.

The county budget commission shall file the proposed county budget and itemized county levy with the clerk of the county court not less than fifteen nor more than ten days before the time fixed for making the county levy and adopting a county budget.

§ 6. The county court clerk shall immediately upon the

filing in his office of the proposed county budget by the county budget commission transmit an attested copy thereof to the State budget commission for its approval as to form, and if the proposed county budget be approved in form by the State budget commission it shall so advise the county court clerk that the proposed budget is in proper form; and if upon an examination of the proposed county budget the State budget commission finds that the same is not in the proper form, it shall arrange the county budget as to form and transmit same to the county court clerk of the county from which the county budget was received.

§ 7. The fiscal court of the county shall meet at the time fixed for the adoption of the county levy and county budget. The fiscal court shall consider the county budget and itemized county levy proposed by the county budget commission. At this meeting the fiscal court shall hold such hearings as it may deem proper in determining the financial resources of the county and its needs, and may require the members of the county budget commission to appear before them for explanation of budget funds provided in the proposed county budget, and it shall be the duty of the members of the county budget commission if called upon by the fiscal court to make such explanation of budget funds and the reasons for providing for the same and give the fiscal court all the information they have as to the financial resources of the county and the reason for the expenditure by the county of the funds provided in the proposed county budget. The fiscal court shall also hear protests or suggestions any taxpayer of the county may desire to make with reference to the county budget.

The fiscal court shall adopt a county budget providing a budget fund for each separate activity of the county. The fiscal court may adopt the county budget as proposed by the county budget commission or they may add to or deduct from the budget funds provided for therein their discretion, and may eliminate a budget fund or funds, or they may provide for other budget funds to provide for other activities of the county not included in the proposed county budget. The fiscal

court shall have no power or authority to make any change in the form of the budget or any budget unit or subdivision thereof. The county budget adopted by the fiscal court shall be in the form as approved by the State budget commission.

The county budget as adopted by the fiscal court shall provide for all funds to be expended by the county from the current revenue for the fiscal year for which the county budget is adopted, and any appropriation by the fiscal court in excess of any budget fund shall be null and void, and shall be construed to be a violation of the provisions of this act by each member of the fiscal court so voting for said illegal appropriation.

§ 8. The fiscal court in allowing claims shall designate in the order making the appropriation the budget fund from which the claim is to be paid, and shall by said order direct the clerk of the county court to issue a warrant for same to the person to whom the appropriation is made, payable out of the budget fund named in the order of appropriation.

§ 9. The fiscal court shall have power and authority to transfer money from one budget fund to another. A copy of the order making said transfer shall be certified by the county court clerk to the county treasurer and he shall make the proper adjustments on his budget ledger making the transfer of budget funds as provided for in said order.

Provided, however, this provision shall not apply to sinking funds or special funds raised for a specific purpose until the obligation or purposes for which said funds were raised have been satisfied. At the close of each fiscal year the fiscal court shall use any surplus funds remaining in any budget fund, except in sinking or special funds, to pay deficits in any budget fund or funds.

All deficits remaining in any budget fund, after the surplus has been applied thereto, shall be carried over into the next fiscal year and provided for in the county budget for the

next fiscal year. The deficits referred to in this section shall be construed to be a deficit in a budget fund or funds caused by the failure of current revenue to raise the budget fund or funds in which said deficit may occur.

§ 10. The fiscal court shall in its discretion enter orders making appropriations out of the budget fund set apart to pay interest on interest-bearing county warrants and notes as may be required to meet interest charges against county obligations as they accrue. Said orders of appropriation shall direct the clerk of the county court to issue county warrants to pay interest as it accrues on interest-bearing county warrants and notes on the certificate of the county treasurer setting forth the amount of interest to be paid on said obligation of the county.

§ 11. The county court clerk of each county of the Commonwealth shall keep in his office a record book of the fiscal court to be known as the "Fiscal Court Claim Book."

All persons, firms or corporations having claims against the county, except claims for interest or principal on bonded indebtedness of the county, expenses incurred in holding regular or primary elections, including pay of election officers, salaries and claims of county officials, per diem of members of the fiscal court and claims growing out of written contracts of the county and claims under force account work, contracted by and performed under the direction and supervision of the county road engineer, as provided by law, after due advertisement for bids on any work, and no bids have been received or all bids have been rejected by the fiscal court, shall make proof of their said claims against the county, attaching thereto or incorporating therein an itemized statement of the claim, and setting forth the consideration the county has received and the manner in which the county is liable for the claim. Said proof of claim shall be signed and sworn to by the person making same, or his or its duly authorized agent. The claim properly proven shall be filed with the county court clerk, and the clerk shall endorse thereon the date of filing and sign

said endorsement. The county court clerk shall thereupon list the claim on the "Fiscal Court Claim Book," giving the name of claimant, date of filing and total amount of said claim, and properly index the same. All claims shall be numbered by the clerk consecutively in the order in which they are filed in his office, and the number of the claim shall be listed as a part thereof.

It shall be the duty of the county attorney to attend all meetings of the fiscal court and to file exceptions to any and all claims as presented which are not valid obligations of the county.

§ 12. The county treasurer shall by virtue of his office be the exclusive custodian of all county funds from whatsoever source they may be received. He shall also be the exclusive checking agent of the county and no bank or trust company in which county funds may be deposited shall honor a check on county funds unless the same is signed by the county treasurer in his official capacity. All county funds shall be deposited in the bank in the name of the county, subject to be checked out by the county treasurer.

§ 13. That section nine hundred and thirty-five (935), Kentucky Statutes, 1930, Carroll's Edition, be and the same is hereby amended and said section as amended shall read as follows:

The books of the county treasurer shall at all times be open to inspection of the fiscal court or any member thereof, and shall be public records and open to inspection at all reasonable times by any taxpayer of the county.

The county treasurer of each county shall keep a set of books of accounts of the financial transactions of the county to be provided for under the provisions of the uniform accounting law of this State providing for uniform accounting in State and county government.

The county treasurer shall keep as a part of his records

a book to be known as the "Budget Ledger." The county treasurer shall immediately after the final adoption of the county budget by the fiscal court for the fiscal year, credit on the budget ledger to be kept by him each budget fund provided for in the county budget for that fiscal year, and he shall account for each budget fund separately.

The county treasurer shall on the first day of each regular and special meeting of the fiscal court, with the exception of the first meeting thereof, in each fiscal year, file with said fiscal court a financial statement showing the balance in each budget fund as appears from his budget ledger. This financial statement shall be signed by the county treasurer in his official capacity, and said statement shall be recorded by the county court clerk upon the fiscal order book as a part of the proceedings of that term.

§ 14. The county clerk shall immediately after the adjournment of any regular or special term of the fiscal court issue county warrants to cover all appropriations made by the fiscal court to the persons named in said appropriations. The county clerk shall designate in the face of each county warranty the budget fund from which the warrant is payable. At the time the county clerk issues county warrants on appropriations made by the fiscal court to pay claims which have been listed in the "Fiscal Court Claim Book," he shall enter on the margin of the claim where the same is listed the date of the county warrant, serial number, to whom issued, and amount thereof in payment of the claim.

A county warrant shall not be construed to have been legally issued until the warrant has been countersigned by the county treasurer as provided for in this act. After the county clerk has finished issuing warrants as provided for in this section he shall immediately deliver the county warrant book to the county treasurer.

No county warrants shall be issued without a serial number and all serial numbers must be consecutive.

§ 15. The county treasurer shall, upon the delivery to him by the county court clerk of the county warrant book, verify each county warrant issued by the county clerk by checking the county warrant with the claim and appropriations, and if found correct he shall countersign all warrants within the budget fund from which they are payable. If the county treasurer upon an examination of his budget ledger finds that the balance in any budget fund is insufficient to pay any warrant or warrants issued against said budget fund he shall refuse to countersign all such warrants, and shall endorse on the face of each warrant issued by the county clerk in excess of any budget fund out of which it is payable the following: "Void for want of funds," and sign endorsement in his official capacity. The county treasurer shall enter the amount of each warrant countersigned by him as a charge on his budget ledger against the budget fund from which it is payable. In making said entry he shall enter the date of the warrant, serial number, to whom payable and the amount thereof. He shall keep a daily balance of all budget funds on his budget in a column on said budget ledger provided for the purpose of keeping a daily balance.

The signature of the county treasurer on a county warrant shall be construed to be his certificate that the amount of the warrant is within the budget fund out of which it is payable for the current year, and that the amount of said warrant has been charged on his budget ledger to said budget fund.

§ 16. The county treasurer shall be liable on his official bond for the amount of any county warrant countersigned by him under the provisions of this act in excess of the budget fund out of which said warrant is payable, and any county warrant so issued and illegally countersigned by the county treasurer shall be null and void as to the county.

§ 17. The county treasurer shall issue his check in payment of all county warrants when presented for payment, if he has the money on hand belonging to the budget fund out of which the county warrants so presented are payable.

If the county treasurer shall have insufficient funds on hand belonging to any budget fund out of which county warrants are payable, at the time the county warrant or warrants are presented for payment, the county treasurer shall fill in the blanks in the following words and figures, which shall be printed on all county warrants in proper place, to-wit: "Due and payable on or before the .....day of ....., 19 ....., with interest at .....per cent per annum from the .....day of ....., 19 ....., until paid, negotiable and payable at ..... of ....., Ky. Subject to be called for payment on notice."

All interest bearing county warrants shall be made payable at the office of the county treasurer or a county depository in the discretion of the county treasurer. All interest bearing county warrants shall bear interest at not in excess of five per cent (5%) per annum from date said warrant is made interest bearing until paid.

The due date of each interest bearing county warrant shall be fixed by the county treasurer from his knowledge of the accrual of current revenues for the fiscal year to pay said warrant, and if to be paid from funds derived from other sources, from his knowledge when said funds may be expected to be received by the county.

§ 18. The county treasurer shall keep in his office a record book to be known as the "Interest Bearing Warrant Record," which shall be provided for under the provisions of the uniform accounting law of the State. The county treasurer shall enter all interest bearing county warrants upon this record before they are delivered to the persons entitled thereto, and shall be entered upon said record under a heading which shows the budget fund from which the county warrants so entered are payable. The record shall show the date of each county warrant so entered, serial number, amount, and to whom payable, and the due date of the warrant. As interest bearing warrants are paid by the county treasurer each county warrant so paid shall be stamped "Paid" thereon with a

stamp that cuts holes through the warrant in stamping the word "Paid" thereon; and the county treasurer shall thereupon enter on said record the date of payment of the warrant, to whom paid and the amount paid. He shall stamp "Paid" county warrants paid by him that have not been made interest bearing, the same as interest bearing county warrant. All paid county warrants shall be filed as a part of the record in his office.

§ 19. All county warrants issued under the provisions of this act shall be subject to call for payment by the county treasurer when he has sufficient funds on hand in any budget fund to pay outstanding county warrants issued and charged to that budget fund or funds. The county treasurer shall make a call for payment of interest bearing county warrants by serial number in the order in which they were issued and the call for interest bearing warrants, in the aggregate, shall not exceed the amount of money on hand in the budget funds from which the warrants are payable. The call of the county treasurer shall be by giving the holders of the warrants written notice of the call or by notice published in a newspaper in the county once a week for a period of two weeks. No interest bearing county warrant, so called for payment, shall bear interest after the expiration of ten days after publication of said note, or if said written notice has been given to the holder or holders of said warrants.

§ 20. The county treasurer shall keep in his office a record book to be known as the "Cash Ledger." This record book of the office of the county treasurer shall be provided for under the provisions of the uniform accounting law of the State.

The county treasurer shall upon receiving county revenues from the sheriff or tax collector, or from other sources, distribute the money so received to the proper budget funds on his cash ledger, according to the terms of the budget and the itemized county levy. All checks drawn by the county treasurer in payment of county obligations shall be charged

on the cash ledger by the county treasurer to the proper budget fund and a daily balance of cash kept in pencil of each budget fund in a column on said cash ledger providing for said daily balance.

§ 21. The fiscal court of any county of this Commonwealth shall have power and authority to anticipate the revenues of the county for the current fiscal year and borrow money upon the faith thereof to meet the current expenses of the county as they accrue, or to pay off and discharge interest bearing county warrants becoming due before sufficient revenues have accrued to pay off and discharge said interest bearing warrants. If the fiscal court of any county elects to borrow money in anticipation of current revenues for the fiscal year under the provisions of this section, the fiscal court shall enter an order or orders upon the order book of said court authorizing the county judge and county treasurer to negotiate said loan or loans, at a rate of interest not in excess of five per cent (5%) per annum, and shall authorize the county judge to execute a note or notes of the county in his official capacity, for the purpose of borrowing said sum or sums which is authorized by the order or orders of the fiscal court. The note or notes executed by the county shall be negotiable and shall designate the budget fund from which the notes are to be paid. Said note or notes so issued may be renewed by the county, if there is insufficient money in the budget fund from which the note or notes are payable, when they become due and payable. The county may issue notes against one or more or all budget funds provided in the county budget in the discretion of the fiscal court, in anticipation of revenue for the current year. All notes so issued by the county shall be countersigned by the county treasurer and shall be charged on the budget ledger by the county treasurer against the budget fund from which they are payable and shall be charged in a column on said budget ledger other than a column in which warrants or contracts of the county are charged. All notes of the county issued under this section in excess of the budget fund from which they are payable shall be null and void. The signature of the county treasurer on a note issued under this section shall be his certificate that

the amount of the note is within the budget fund from which it is payable for the current year, and that the amount of the note has been charged against the budget fund out of which it is payable. All notes issued under the provisions of this section shall be made payable to bearer.

The county treasurer shall be liable on his official bond for the amount of any note of the county countersigned by him in excess of the budget fund out of which the said note is payable.

§ 22. All contracts of the county entered into by the fiscal court for the expenditure of county funds provided for in the county budget, shall contain a provision that the contract shall not be deemed an obligation of the county to pay the sums to be expended under the contract until the contract has been submitted to the county treasurer so that he can attach his certificate thereto as provided for under the provisions of this act. Upon the submission of a contract of the county to the county treasurer he shall determine from his budget ledger whether the sums of money to be expended under the contract are within the budget fund out of which they are payable. If the county treasurer finds from an examination of his budget ledger that the sum to be expended under the contract is within the budget fund for the current year out of which it is payable, then he shall enter the date of the contract, the name of the contractor and the amount to be expended thereunder as a charge on his budget ledger against the budget fund out of which the money to be expended under the contract is payable and shall thereupon attach his certificate to said contract certifying that the sum to be expended under the contract is within the budget fund for the year out of which it is payable, and that the amount to be expended under the contract has been charged on his budget ledger against said budget fund.

If the budget fund out of which the sum to be expended under the contract be insufficient to pay said sum to be expended under the contract, the county treasurer shall refuse to make said certificate, and shall write across the face of the

contract the following words: "Void for want of funds," and sign said endorsement in his official capacity.

§ 23. All contracts of the county entered into by the fiscal court for the expenditure of county funds provided for in the county budget based on a unit cost price fixed in the contract shall contain the estimated cost of the work. Such contracts shall be certified by the county treasurer under the provisions of section 22 of this act. All such contracts shall in addition to the provisions required in section 22 of this act contain a further provision that the obligation of the county to expend money under the contract shall not be construed to be in excess of the estimated cost set out in the face of the contract. All such contracts shall contain a further optional provision, providing, that in the event the estimated cost of the work is consumed by computing costs of the work under the unit cost price fixed in the contracts before the work has been completed, the county has the option to require the contractor to enter into a new contract with it to complete the work at the same unit cost price fixed by the original contract and under the same terms and conditions of the original contract. Contracts of the county for over runs on work shall be executed under the provisions of this act.

All contracts of the county provided for under sections 22 and 23 of this act shall be null and void unless the certificate of the county treasurer is attached thereto certifying that the sums to be expended are within the budget fund out of which same is payable.

The county treasurer shall be liable on his official bond for the amount of any contract certified by him in excess of of the budget fund from which it is payable.

§ 24. All books, receipts, blanks, records, county warrant book, and forms, required to be used by the county treasurer, county court clerk, or other officials in the administration of fiscal affairs of the county under the provisions of this act, shall be formulated under the provisions of the uniform ac-

count law of the Commonwealth, and shall be provided for the officials of the county required to administer the fiscal affairs of the county under this act, and shall be uniform in each county of the Commonwealth.

It shall be the duty of the State inspector and examiner to install in each county of the Commonwealth a uniform system of accounting and bookkeeping for the administration of the fiscal affairs of the county under the provisions of this act.

§ 25. That sections nine hundred and thirty-eight (938) and eighteen hundred and forty-A (1840-A), Kentucky Statutes, 1930, Carroll's Edition, as amended by section one of chapter sixty-seven of the Acts of 1916 session of the General Assembly of Kentucky, be and each of said sections are hereby repealed.

§ 26. That section nine hundred and twenty-nine (929), Kentucky Statutes, 1930, Carroll's Edition, as amended by chapter one hundred and fifty-three (153) of the Acts of 1920 session of the General Assembly of the Commonwealth of Kentucky, be and the same is amended, and as amended shall read as follows:

The county treasurer shall be appointed by the fiscal court of the county at the regular April term, one thousand nine hundred and thirteen (1913) of said court held for the county, and at said April term of said court every four years thereafter, and the county treasurer so elected shall hold his office for a term of four years, and until his successor is elected and qualified. A majority of all the members of said fiscal court shall be necessary to select a county treasurer. If for any reason the county treasurer is not selected at the April term as provided for herein, it shall be the duty of the county judge to call said fiscal court to meet immediately after the adjournment of said term on a day to be fixed by order entered on the order book of the court and said meeting shall be held within two weeks after the adjournment of said April term. No person shall be appointed county treasurer unless at the

time of his appointment he is a citizen of Kentucky, has attained the age of twenty-five years, and has been for two years next preceding his appointment a resident of the county for which he is appointed. Before entering upon the duties of his office as such county treasurer, he shall take the oath of office required of other county officials according to law before the fiscal court, and execute the bond as required by law for the faithful performance of his duties as county treasurer. The fiscal court may remove said county treasurer at any time for neglect of official duty, incompetency or dishonesty. In case of a vacancy in said office, from any cause whatever, it shall be the duty of the county judge to call the members of the fiscal court together to hold a special term of said court to fill said vacancy.

In case of the failure of the county judge to perform any of the duties required of him in this section he shall be deemed guilty of a violation of the provisions of this act.

§ 27. That section nine hundred and thirty-four (934), Kentucky Statutes, 1930, Carroll's Edition, be and the same is hereby amended and as amended shall read as follows:

The county treasurer shall receive for his services the compensation fixed by the fiscal court and said compensation shall be payable monthly. Provided, however, that in counties containing a population of two hundred thousand or more the salary of the county treasurer shall be thirty-six hundred ($3,600.00) dollars per annum to be allowed by the fiscal court; and provided, further, that in counties containing cities of the second and third class the salary of the county treasurer shall not be more than twenty-four hundred ($2,400.00) dollars per annum; and provided, further, that in all other counties of the Commonwealth the salary of the county treasurer shall not be more than two thousand dollars per annum. All such salaries of the county treasurer as fixed by the fiscal court under the provisions of this section shall be allowed by the fiscal court and paid monthly out of county funds.

§ 28. The county treasurer shall, on or before the first

day of April after the close of each fiscal year, make off a financial statement as of December 31st of the preceding year, showing in detail receipts and disbursements of county funds, and in said statement account for each budget fund separately. The county treasurer shall file a copy of said statement with the county court clerk of the county and said statement shall be preserved as a part of the records of the county. The county treasurer shall also transmit a copy of said financial statement to the State inspector and examiner of the Commonwealth of Kentucky.

§ 29. That section eighteen hundred and thirty-eight (1838), Kentucky Statutes, 1930, Carroll's Edition, be and the same is amended and as amended shall read as follows:

The fiscal court shall be a court of record and shall hold two regular terms in each year, the first regular term to be held on the first Tuesday of April, and the second regular term to be held on the first Tuesday of October. The county judge shall have power to call a special term of the fiscal court for the transaction of any business of which the court has jurisdiction. Whenever the necessity exists for a special term, and when the county judge is unable to act, the special term may be called by a majority of the members of the court. The county judge of the county court of any county may, by an order of record, fix a different date for the commencement of said terms; provided, however, that one of said terms shall be held in October. The fiscal court shall remain in session at its regular term until the business of the court is completed.

§ 30. It shall be the duty of the fiscal court of each county of the State at its first meeting after this act takes effect to enter an order or orders on the fiscal court order book designating one or more banks or trust companies as county depositories for county funds, and the county treasurer shall be required to deposit all county funds in the depositories designated by order of the fiscal court. The fiscal court shall enter into an agreement with said depository or depositories, so designated, for the payment of interest on county deposits,

on daily balances, and said interest rates shall not be less than two per cent on daily balances. The depository shall credit interest to the county deposits every four months and shall send deposit slips to the county treasurer showing said credit.

The fiscal court shall require all county depositories to execute to the county good and sufficient bond to pay over and account for all county funds deposited in said depository, which bond shall be taken before the court, signed and acknowledged as required by law, or the depository may place collateral security in lieu of said bond, if the fiscal court is satisfied with the collateral offered in lieu of personal or fidelity bond. All bonds shall be recorded upon the fiscal court order book and properly indexed.

§ 31. Any officer or officers wilfully violating any of the provisions of this act shall be deemed guilty of a misdemeanor and subject to indictment, and upon conviction, be fined in any sum not less than fifty ($50.00) dollars, nor more than two hundred ($200.00) dollars, for each offense.

§ 32. The duties required of the county court clerk under the provisions of this act shall be performed by the clerk of the fiscal court in counties containing cities of the first class.

§ 33. If any section, provision, paragraph or clause of this act shall be declared unconstitutional, the invalidity of such section, provision, paragraph or clause shall not affect the remaining sections, provisions, paragraphs or clauses of this act; and it is declared to be the legislative intent to enact each clause, paragraph, provision and section of this act separately.

§ 34. This act shall not become effective until the first day of January, 1933.

§ 35. All acts and parts of acts in conflict herewith are hereby repealed.

The Committee on Kentucky Statutes No. 1 proposed the following amendments to said bill:

1. Amend Senate bill No. 17 by adding at the end of line 19 of the printed bill, section 17, the following: Provided, that the county treasurer shall not make county warrants interest bearing and negotiable in the aggregate as to any budget fund in excess of ninety (90%) per cent of the amount of any budget fund of the county. Any county warrant made interest bearing and negotiable by filling in the blanks as provided in this section by the county treasurer in excess of ninety (90%) per cent of the amount of the budget fund or funds out of which said interest bearing warrant or warrants are payable shall be null and void as to the county, and the county treasurer shall be liable for the excess on his official bond.

2. Amend Senate Bill 17 by striking out lines 36, 37 and 38 of section 21 of the printed bill and substituting in lieu thereof the following: Notes issued under the provisions of this section shall not be in the aggregate in excess of ninety (90%) per cent of the amount of the budget fund out of which they are payable, and the county treasurer shall be liable on his official bond for the amount of the excess of any note of the county countersigned by him in excess of ninety (90%) per cent of the budget fund out of which said note is payable. Any note issued in excess of ninety (90%) per cent of any budget fund of the county shall be null and void as to the county.

Senator Stephenson moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendments were adopted.

Senator Stephenson proposed the following amendments to said bill:

3. Amend Senate Bill 17 by striking out the word "five" and figure (5) in line 18 of Section 17 of printed bill and substitute the word "six" and figure (6) in lieu thereof.

4. Amend Senate Bill 17 by striking out word "five" and figure "5" in line 12 of section 21 of printed bill the following in lieu thereof: "Six" and "6".

Senator Stephenson moved the adoption of said amendments.

The question being taken thereon, was decided in the affirmative and

Said amendments were adopted.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Thos. C. Ferguson	J. S. W. Holloway
W. W. Booles	Walter N. Flippin	Robert Humphreys
H. M. Brock	Chas. G. Franklin	Wm. Isaacs
Edwin C. Dawson	Perry B. Gaines	Alex E. Johnson
Dr. T. J. Edge	Arch Hamilton	Frank I. Lloyd

C.T.McCormick,Sr.	Dr. G. W. Ragan	Thos. O. Turner
Wm. Mehler	J. M. Rose	Fred C. VanHoose
E. C. Moore	R. H. Royster	Sewell B. Williams
Ray B. Moss	E. D. Stephenson	Gates F. Young
D. C. Naive	Joe Stewart	—29

Resolved that the title thereof be as aforesaid.

Senator Stephenson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Senator Gates F. Young moved that a resolution of the following title be called from the Clerk's desk:

S. Res. 29. Resolution commending the American Legislators Association of the Interstate Legislative Bureau.

Said resolution reads as follows:

S. Res. 29. Whereas, all experienced persons know that in each State, legislative problems continually increase, both in number and in complexity.

Whereas, it is obvious that in order to solve such problems most effectively, each legislature must give systematic, scientific and business-like consideration to the actual facts which have a bearing upon each question to the extent that such facts have been determined by reliable research.

Whereas, each legislature must give similar consideration to the methods and experience of other jurisdictions in dealing with problems similar to its own.

Whereas, no such problems can be dealt with adequately until facilities are established to assist every inquiring legislator to secure the most accurate information and the most expert advice which are available.

Whereas, experience indicates the necessity for an interstate legislative reference bureau to serve as a clearing house of information between all of the legislative reference services which are now being conducted by numerous States, and also to serve as a clearing house of information between the legislatures and all other agencies which are engaged in the study and analysis of legislative problems, such as governmental departments, political science departments of universities, competent reputable associations, and all other sources of information.

Whereas, experience also indicates that in certain States which do not maintain substantial legislative reference services, there is an imperative need for such an interstate legislative reference bureau, which will assist the legislators of those States to secure whatever information they desire in analyzing the legislative problems which they must determine, and to made more readily accessible for them, without cost, the valuable material which is at all times available from the legislative reference libraries and bureaus of various other States, and from many other reliable sources.

Whereas, every individual legislator in the United States shares the responsibility for improving the present inadequate and unsatisfactory condition of the legislative processes, but neither any individual legislator, nor any group of legislators from one State, can bring about such improvement without the co-operation of legislators of other States.

Whereas, in order to set the machinery in motion to secure the necessary co-operation of the forty-eight legislatures, members of each legislature are working together in the development of the project of the American Legislators' Association.

Whereas, the said American Legislators' Association has now established in the vicinity of the University of Chicago, the Interstate Legislative Reference Bureau, which by explicit pledge is without color of politics, partisanship or

propaganda, is conducted without profit, and is engaged upon three principal purposes:

First: To procure promptly for all inquiring State legislators, and their agents, whatever information or advice they desire in connection with any legislative problem, primarily by assisting them to secure, without cost, the benefit of all researches conducted by governmental departments, universities, associations, legislative reference bureaus, and other agencies throughout the United States.

Second: To conduct a systematic study of the legislative processes of each of the States, in order to ascertain the practices which contribute most to efficient and economical organization and procedure; and to render all possible assistance to each legislature—and to each legislative reference bureau—which is endeavoring to improve its organization.

Third: To publish for the benefit of all State legislators the monthly magazine, State government, as well as special bulletins, and thus to disseminate information which will be helpful to all conscientious students of legislation.

Whereas, the American Legislators' Association is promoting acquaintance and mutual understanding among all individuals and organizations officially concerned with the impartial and scientific functioning of the legislatures of the various States, by the organization of Standing Committees and Advisory Boards, and otherwise.

Whereas, the character and project of the American Legislators' Association have the endorsement, and its organization has the active cooperation, not only of its membership, which consists entirely of members and ex-members of State legislatures, but also of numbers of other responsible citizens, many of whom, having specialized knowledge, are serving on the Associations' Advisory Boards.

Now, therefore, it is hereby resolved: That the organiza-

tion of the American Legislators' Association and of the Interstate Legislative Reference Bureau are hereby commended as legitimate and constructive efforts to assist the legislatures of the various States in the efficient performance of their work.

Senator Gates F. Young moved the suspension of the rules and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution, it was decided in the affirmative.

Said resolution was adopted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 112. An Act relating to juries and amending and re-enacting Sections 2249, 2251 and 2260, Carroll's Kentucky Statutes, 1930 Edition.

Senator Franklin moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to,

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 221. An Act to appropriate $12,500.00 for repairs of the executive mansion.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

S. B. 172. An Act defining plumbing, master plumbing and journeyman plumbers in counties containing cities of the

first and second class of the Commonwealth of Kentucky; providing for examinations and issuing certificates to qualified registered master plumbers and registered journeyman plumbers and placing same under the jurisdiction of the State Board of Health of Kentucky; and also granting to the State Board of Health of Kentucky the power to adopt and promulgate a code regulating the installation of plumbing, house drainage, sewerage and sewage disposal; designating the kind of materials and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage to be used in plumbing and drainage and the methods of their installation; prescribing the powers and duties of the State Board of Health in relation to this Act and providing penalties for violation of the provisions of this Act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 9. An Act amending and re-enacting Section Fourteen of Chapter Nineteen of the Acts of 1916, being an Act entitled, An Act for further regulation of fire insurance companies, agents, rates, fire prevention, etc., providing for the statement with application for license for agent, defining and enlarging powers and duties of the Insurance Commissioner in relation thereto, and repealing all laws in conflict herewith; approved March the fifteenth, nineteen hundred and sixteen; which is now Section seven hundred and sixty-two-a-fourteen, Carroll's Kentucky Statutes.

Senator Bondurant moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Senator McCaw moved that the Senate do now adjourn.

Said motion was agreed to.

FRIDAY, FEBRUARY 5, 1932.

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Reverend Chester field Turner of the Frankfort Baptist Church.

The roll of the Senate was called and the following Senators answered to their names:

Jas. H. Bondurant	Silas Jacobs	O. M. Rogers
W. W. Booles	Alex E. Johnson	J. M. Rose
H. M. Brock	L. C. Littrell	R. H. Royster
Edwin C. Dawson	Frank I. Lloyd	E. D. Stephenson
Dr. T. J. Edge	Rev. C. D. McCaw	Joe Stewart
Thos. C. Ferguson	C.T.McCormick,Sr.	Thos. O. Turner
Walter N. Flippin	Wm. Mehler	Fred C. VanHoose
Chas. G. Franklin	E. C. Moore	F. M. White
Perry B. Gaines	Ray B. Moss	Sewell B. Williams
Arch Hamilton	D. C. Naive	W. A. Yates
J. S. W. Holloway	Marion F. Pogue	Gates F. Young
Wm. Isaacs	Dr. G. W. Ragan	—35

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Messrs. J. B. Black, W. M. Moffett and T. G. Hedges.

Said motion was agreed to.

Senator Edge moved that the privileges of the floor be extended to Hon. Clarence Bartlett.

Said motion was agreed to.

Senator White moved that the privileges of the floor be

extended to Judge M. O. Scott, Judge Nunn and Mr. J. R. Nunn.

Said motion was agreed to.

Senator Franklin moved that the privileges of the floor be extended to Miss Louise Parnell for the 1932 session.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Mr. L. H. Powell.

Said motion was agreed to.

Senator Brock moved that the privileges of the floor be extended to Mr. Jesse Creech.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Father Paul Durbin of Bowling Green, Mr. Boone, Ex-Senator Garth Ferguson, Ex-Senator Mike Scott, Mrs. Reed and Miss Logan of Brownsville.

Said motion was agreed to.

Senator Gates Young moved that the privileges of the floor be extended to Mrs. Geoffrey Morgan and Mrs. T. Buckran of Richmond.

Said motion was agreed to.

Senator Gates Young moved that Paul Hughes, Jr., and Miss Betty Hughes, son of Mr. Paul Hughes of the Louisville Times, be made honorary pages.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz:

By Senator Ferguson.

S. B. 321. An Act to provide for the creation and organization of a city planning and zoning commission for cities of the third and fourth class and surrounding territory which bears relation to the planning and zoning thereof; to prescribe and regulate the powers and duties of such commission; to empower cities of the third and fourth class, through the mayor, board of commissioners or general council thereof, to take such action as may be necessary, by ordinance or otherwise, to approve and effectuate the commission's action insofar as it may affect property within the limits of such city, and to provide a fund for defraying the expenses of the commission and to levy a tax for that purpose; to authorize the fiscal court of the county in which a city of the third or fourth class is located, to approve or disapprove the action of the commission insofar as it affects property located outside the limits of such city, but within the limits of the county; to empower cities of the third and fourth class, by ordinance, to provide for the appointment of a board of adjustment and define the powers and prescribe the procedure of such board; to provide for an appeal to the circuit court of the county, and thence to the Court of Appeals, from the orders, decisions or rulings of the board of adjustment; to provide penalties for violation of this act or any ordinance or regulation made under authority conferred thereby, and also to provide a remedy by proceedings in court for an injunction or other similar relief.

To Committee on Classifications of Cities and Towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created for each city of the third

and fourth class and surrounding territory which bears relation to the planning or zoning thereof, a commission by the name of "City Planning and Zoning Commission," which Commission shall be constituted as hereinafter provided, and shall have the powers, duties and functions hereinafter conferred or imposed upon it.

CREATION OF COMMISSION

§ 2. Each Commission shall consist of seven members, five of whom shall be known as "city members" and shall be citizens and residents of the city affected thereby, and two of whom shall be known as "county members" and shall be citizens of the county in which such city is located, residing outside the limits of such city.

The city members shall be chosen in the following manner: The mayor and supervisor of public works shall be ex-officio members of the Commission. The mayor shall appoint the remaining three city members who shall be qualified persons holding no other city or county office.

The county members shall be chosen in the following manner: The county engineer shall be ex-officio member of the Commission. The remaining member shall be chosen by the fiscal court from qualified persons not holding any other city or county office.

All members of said Commission shall serve without compensation.

The members initially appointed by the mayor shall hold their offices, according to designation in their appointment, one of them for a term of two years, and the others for terms of four years each, and thereafter, upon the expiration of their respective terms, the successor of each shall hold his office for a term of four years.

Vacancies in the offices of the three city members ap-

pointed by the mayor for the remainder of the term of office in which such vacancy has occurred.

The county member initially chosen by the fiscal court shall hold his office according to designation in his appointment, for a term of years, such that his tenure of office shall expire two years after the next elective period of the county engineer and thereafter his successors shall hold office for a term of four years. Vacancies in the office of the appointive county member shall be filled by a successor appointed by the fiscal court for the remainder of the term of office in which such vacancy has occurred.

In all cases of both city and county members where an ex-officio member in the employment of the city or county vacates such official position or employment, he shall ipso facto vacate his office as a member of the Commission.

In all cases of both city and county members, an incumbent otherwise qualified under this act shall hold office until his successor is chosen and qualified.

At least four members of the Commission shall be necesary to constitute a quorum for the transaction of any business, and the affirmative vote of four members shall be required for the exercises of the powers or functions herein conferred or imposed upon said Commission.

Each Commission shall elect a chairman, who shall be a member of said Commission not holding any other public office, and shall also elect or employ a secretary, who need not be a member of the Commission.

It shall hold not less than one regular meeting in each month. It shall provide for its order of business and procedure, and shall keep a record of its proceedings, which shall be a public record and shall be so indexed and kept, (as) to be of convenient and ready reference.

POWERS OF COMMISSION

§ 3. For the purpose of promoting the health, the safety, the morals or the general welfare of each city of the third and fourth class and surrounding territory bearing relation to the planning or zoning thereof, the Commission created by this act is hereby empowered, in a manner and upon the conditions hereinafter prescribed:

A—To make, establish and adopt plans and maps of the whole or any portion of such city of the third or fourth class, and of any land outside the limits of said city and within the limits of the county containing said city, which, in the opinion of the Commission, bears relation to the planning or zoning of such city, and it may make changes in such plans or maps when it deems same advisable.

In such maps or plans the Commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, alleyways, viaducts, bridges, subways, parkways, parks, playgrounds or any other public ground or public structures or public improvements or appurtenances thereto, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment (either in whole or in part) or extension of any or all such public ways or works or structures then existing, with a view to the systematic planning of the city and its environs.

It shall have power to make, establish and adopt plans for the control, development, preservation and care of historical land-marks, for the design and location of statuary and other works of art which are or may become the property of the city or the county, and may make recommendations to any public authorities or to any corporation or individuals in such city of the third or fourth class and its surrounding

territory which in the opinion of the Commission bears relation to the planning or zoning of such city, concerning the location of any building, structures or works to be erected or constructed by them.

B—To lay off and establish in each city of the third and fourth class and surrounding territory which in the opinion of the Commission, bears relation to the planning or zoning thereof, zones or districts of such number, shape and area as may be deemed by the Commission best suited to carry out the purposes of this act, and from time to time change such zones or districts, or any of them, as to area or boundary or location, which zones or districts shall be designation (designated) by maps or plans as well as by boundaries, which boundaries may be expressed in general descriptive terms, and to make, adopt or establish maps or plans showing such zones or districts, or changes therein, with appropriate designation thereof, and, within such districts, to prescribe, administer and enforce, to the extent and in the manner provided by this act, regulations of and restrictions upon the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stores and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of such buildings, structures and land for trade, industry, residence or other purposes.

All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulation or restrictions in one zone or district, may differ from these in other zones or districts.

C—To enter upon any lands and make examinations and surveys for the purpose of exercising the general powers hereinbefore granted.

D—To make, print and publish and distribute generally

copies of any plan, map, report or recommendation made by it.

GENERAL PURPOSE OF COMMISSION PLAN

§ 4. All plats of the subdivision of lands within the corporate limits of the city or within three miles thereof, and all instruments of dedication of lands for public use, shall be submitted to the Commission and approved thereon in writing by it before they may be offered for record or accepted by the city. The approval of the Commission shall not be deemed the city's acceptance of the dedication of any street, alley, way or other public ground shown on the plat or set forth in the instrument.

No street, alley, way, or other public ground shall be accepted by the city as a public street, way, or ground, unless the plat and location thereof shall have been submitted to and approved by the Commission, provided, however, that the city may submit to the Commission any ordinance proposing to accept the dedication of any such unapproved street, alley, way, or ground, and if approved by the Commission, the city shall have the power to accept the dedication thereof by a majority vote of its legislative board, or, if disapproved, by a vote of not less than two-thirds of its members.

All plans, maps, regulations, and restrictions adopted by the Commission, shall be made in accordance with a comprehensive design to promote the public health or safety or morals or general welfare in the section or community so affected, by lessening congestion in the streets or by securing safety from fire, panic or other dangers, or by providing adequate light and air, or by preventing overcrowding of land, or by avoiding the undue concentration of population, or by facilitating the adequate provision of transportation, water, sewerage, schools, parks, playgrounds or other public requirements.

Such regulations and restrictions shall be made with reasonable consideration, among other things, of the character of

each zone or district affected thereby, and its peculiar suitability for particular uses.

FINANCIAL PROVISIONS

§ 5. The general council or board of commissioners of said cities of the third and fourth class shall provide for the expenses and accommodations necessary for the work of the Commission, and may levy a tax for that purpose if necessary.

Said Commission shall have the power, out of funds that may be provided for its use, to appoint or employ and control or discharge architects and engineers, and to obtain such other professional service as may be needed, and also to employ or discharge such clerks, draughtsman and other subordinates as the Commission shall deem necessary for the performance of its functions.

The expenditures of public funds by said Commission shall be limited during each fiscal year to the amount appropriated for each fiscal year, and the fiscal year is hereby fixed so as to conform to the fiscal year of the city of the third or fourth class in which the Commission exercises its functions.

PUBLICATION OF PRELIMINARY REPORT

§ 6. Before the Commission shall finally lay off or establish any zone or district either within the limits of said cities of the third and fourth class, or outside of said limits, within the environs thereof, or make, adopt or establish any plans or maps with reference to said zones of (or) districts or the character of public or private use or improvement thereof, or make any change in any of said zones or districts, or said maps or plans, it shall first embody its conclusions in a preliminary or tentative report, and give public notice thereof by not less than three insertions in some newspaper of general circulation in said city of the third or fourth class and its environs, fixing the time and place when and where objections to said preliminary or tentative report will be heard and considered by the Commission, and the Commission shall hold

a meeting at such fixed time and place to consider and act upon said preliminary and tentative report, and any objections thereto. At this meeting, or any subsequent meeting, the Commission shall, upon consideration of all objections, make up its final report, and accompanying map or plan, embodying the result of its judgment upon said preliminary or tentative report and objections thereto.

ADOPTION OF FINAL REPORT

§ 7. A—The final report of the Commission with respect to the zones or districts which it authorized by this act to lay off or establish, or with respect to the regulations or restrictions upon the use of property in any of said zones or districts, or with respect to any maps or plans authorized by this act to be made, insofar as any of them may affect any property located within the limits of such city of the third or fourth class, or any zone or district laid off within such limits, shall be submitted by said Commission to the mayor of such city of the third or fourth class, who upon consideration thereof, shall submit same to the board of commissioners or general council of said city.

If the board of commissioners or general council shall approve said report and accompanying maps or plans, they shall draft an ordinance or ordinances providing for the carrying out of said report, and for the establishment of the zones or districts therein laid off or established, for the adoption and enforcement of the regulations or restrictions upon the use of property in any of said zones or districts therein provided, for the adoption and establishment of the maps or plans adopted or established by the Commission, and providing also for the enforcement of said ordinance and said Commission's report, and the various provisions of said ordinance and report.

Full power is hereby conferred upon the board of commissioners or general council to approve or disapprove said Commissioner's report, but the board of commissioners or gen-

eral council shall have no power to vary or alter such report in any material respect.

Upon the enactment, approval, and publication, according to law of an ordinance adopting said report, the same shall become immediately effective and operative as a proper exercise by the State of its police powers delegated by this act.

In case the board of commissioners or general council should refuse or neglect, for a period of more than sixty days after the submission to it of said Commission's report, to take action upon said Commission's report, or to draft an ordinance providing for carrying out of said report, said Commission of any property owner aggrieved by such delay may bring an action in the circuit court of the county in which such city of the third or fourth class is located, by mandatory injunction or other appropriate proceedings against the members of said board of commissioners or general council so delaying action, to proceed to consider and act upon said Commission's report and to draft an ordinance providing for the carrying out of such report, but the court shall have no power to determine how the board of commissioners or general council shall act in the exercise of its discretion.

B—The final report of the Commission, insofar as it affects property outside the limits of cities of the third and fourth class, shall not become effective for such purpose until submitted to and approved by an order or resolution of the fiscal court of the county in which such property is located, and power is hereby conferred upon the fiscal court to approve or disapprove said report, but it shall not have power to make any change therein: Provided, however, that no action shall be taken by said fiscal court with reference to the approval or disapproval of said report within ten (10) days from the filing of said report.

If said Commissioner's report, upon hearing, is disapproved by the fiscal court, it shall be ineffective for any purposes outside the limits of such city of the third or fourth

class, except as the city may have jurisdiction outside said limits by virtue of any provisions of its charter.

If said Commissioner's report, upon hearing, is approved by the fiscal court, then it is hereby made effectual for all purposes, as an exercise of the police power delegated by this act to the Commission for the purposes expressed in said report.

In case the fiscal court of the county should refuse or neglect, for a period of more than sixty days after the submission to it of said Commission's report, to take action thereon, said Commission or any property owner aggrieved by such delay may bring action in the circuit court of the county in which such city of the third or fourth class is located, by mandatory injunction or other appropriate proceeding, against the members of said fiscal court so delaying action, to compel them to proceed to consider and act upon said Commission's report, but the court shall have no power to determine how the fiscal court shall act in the exercise of its discretion.

AMENDMENTS TO PLAN

§ 8. Any regulations, restrictions or boundaries established by the Commission and made effective in the manner hereinabove provided, may, by like proceedings from time to time, be amended, supplemented, changed, modified or repealed: Provided, however, that no change therein shall be made in opposition to a written protest against such change signed by the owners of twenty per cent or more either in number of lots in area of lots included in such proposed change, where the lot or any part thereof is within 200 feet of any lot affected by such change, unless the change shall be adopted by the unanimous vote of the Commission, and the ordinance approving such change be approved by a vote of at least three-fourths of the members of the board of commissioners or general council; and provided, further, that no such protest shall be received or counted or considered from any owner, the use of whose property is either of a similar type or a type allowable only in less restricted districts.

BOARD OF ADJUSTMENT

§ 9. There is hereby created a Board of Adjustment, consisting of five members, to be appointed in the manner hereinafter provided. Said Board of Adjustment shall have power in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to any plan or rule or regulation made therein or thereunder by the Commission, provided that all such exceptions shall be in harmony with the general purpose and intent of the plan or rule or regulation adopted by the Commission and approved or adopted by the general council, as provided in subsection A, of section 7, of this act, or by the fiscal court, as provided in subsection B, of section 7, of this act.

Four members of the Board of Adjustment shall be appointed by the mayor, each for a term of four years, except that, in case of those first appointed, two members shall be appointed for a term of two years, and two members shall be appointed for a term of four years. The remaining member of the Board of Adjustment shall be appointed for a term of four years by the fiscal court. All members of the Board of Adjustment shall serve without compensation.

Any member of the board appointed by the mayor shall be removable by the mayor for cause, on written charges after public hearing. A vacancy in the office of any member appointed by the mayor shall be filled by the mayor for the unexpired term of such member.

Any member of the board appointed by the fiscal court shall likewise be removable by the fiscal court for cause, on written charges after public hearing. A vacancy in the office of such member shall likewise be filled by the fiscal court for the unexpired term of the member whose office has become vacant.

The board shall have power to adopt rules and regulations for its own government, not inconsistent with law or

with the provisions of any ordinance of the city, or with any order or resolution of the fiscal court, with reference to the plan or plans under consideration by the Board of Adjustment.

Meetings of the board shall be held at the call of a chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Applications to the Board of Adjustment for relief by way of special exceptions as aforesaid, may be made by any property owner aggrieved (including a tenant), and appeals to said board may be taken by any property owner (including a tenant), or by any officer, department, board or bureau of the municipality affected by any ruling of any administrative officer administering any portion of this act or ordinance or regulations or rules enacted pursuant to its authority.

An appeal from a ruling of an administrative officer shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice

of appeal shall have been filed with him, that by reason of facts stated in the certificate, on days, notice of which shall be given to the person appealing, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order, which may, on due cause shown, be made by the Board of Adjustment, on application, after notice to the officer from whom the appeal is taken, or by judicial proceedings.

The Board of Adjustment shall fix a reasonable time for the hearing of any application for special exception, or for the hearing of an appeal. It shall give public notice thereof by three insertions in some daily newspaper of general circulation in said city of the third or fourth class, the first of which insertions shall be published ten (10) days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent or by attorney, and the Board shall decide the application or appeal within a reasonable time.

The Board of Adjustment shall have the following powers:

(a) To hear and decide applications for special exceptions, as above provided.

(b) To hear and decide appeals taken as above provided.

(c) To authorize, upon such application or appeal, such variance from the terms of the ordinance or of any plans, rules or regulations made therein or thereunder, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, such board may, in conformity with the provisions of this act, reverse or affirm wholly or partly, or may modify an order, requirement, decision or determination as ought to be made.

The concurring vote of four members of the board shall be necessary to grant a special exception.

The concurring vote of three members of the board shall be necessary to reverse or modify any order, requirement, decision or determination of any such administrative official.

APPEAL TO COURTS

All final rules or orders or findings of the Board of Adjustment, unless appealed from as herein provided, shall be conclusive and binding as to all questions of fact, where there is substantial evidence to support such rule, order or finding, but any property owner (including a tenant) aggrieved, or any officer, department, board or bureau of the municipality affected by such finding or final order or rule may, within twenty (20) days after the rendition of such official order or rule of the board, by petition appeal to the circuit court of the county in which such municipality is located for the review of such order or rule of the Board of Adjustment, said officer, board or bureau of the municipality, and any applicant or appellant affected by such official rule or order, being made parties to such appeal.

Such petition shall state fully the grounds upon which a review is sought, and shall be verified by the petitioner, who shall furnish copies of the petition to the adverse parties at the time of filing the same.

Summons shall issue upon the petition, directing the adverse parties to file answer within twenty (20) days after the service thereof and directing the Board of Adjustments to certify its complete record of the case to the court, or, in lieu thereof, and if consented to by the petitioner and adverse parties, an abstract of the record.

No new or additional evidence may be introduced in the circuit court except as to the misconduct of some person engaged in the administration of this act or any ordinance

enacted thereunder, which affects the order, decision or rule, but the court shall otherwise hear the cause upon the record or abstract thereof as certified by the Board of Adjustment, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

(a) The Board of Adjustment acted in excess of its power;

(b) The order, decision or rule was procured by misrepresentation or fraud;

(c) The order, decision or rule is not in conformity to the provisions of this act or any ordinance, rule or regulation adopted pursuant thereto.

The Board of Adjustment and each party to such appeal shall have the right to appear in such review proceedings. The court shall enter judgment, affirming, modifying or setting aside the order, decision or rule, or, in its discretion, remanding the case to the Board of Adjustment for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing of fact, remand the cause to the board.

Appeals may be taken from the circuit court to the Court of Appeals as appeals in civil cases are now taken according to statutes in such cases made and provided.

Appeals to the circuit court and to the Court of Appeals shall have preference in trial over all other civil actions and proceedings.

PENALTIES AND SUITS

§ 10. It shall be unlawful for any property owner, tenant or other person to erect, construct, reconstruct, alter, repair, convert or maintain any building or structure, or to use or subdivide land, in violation of or contrary to the provisions of this act or of any ordinance or other regulation made under

authority conferred hereby. Any person or corporation so offending shall, upon conviction thereof in a court of competent jurisdiction, be fined not less than ten dollars nor more than one hundred dollars for each offense so committed, each day's offense constituting a separate offense, or, if a person, he shall be imprisoned not more than fifty days, or both so fined and imprisoned, within the discretion of the judge or jury, and in addition to the penalties hereby imposed, and in addition to other remedies which may be provided by ordinance adopted under authority of this act, said city of the third or fourth class, or said fiscal court of the county in which such city is located or the commission created by this act may institute in any court of competent jurisdiction, an appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate any such violation, or to prevent such illegal occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in, upon or about such premises.

Such action or proceeding shall be conducted as other similar actions and proceedings, and the court shall adjudge therein to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to carry out and effectuate the purposes of this act and of the ordinances, rules and regulations adopted pursuant to authority herein given.

CONFLICTING REGULATIONS

§ 11. Wherever the regulations made under authority of this act require a greater width or size of yards, courts, or other open spaces, or require a lower height of building, or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under the authority of this act or any ordinance enacted pursuant thereto shall govern.

EACH SECTION OF ACT SEPARATE

§ 12. If any section under this act shall be held invalid, such fact shall not affect any other section, it being the intention of the General Assembly in enacting this act, to enact each section and paragraph or clause thereof separately, and if any provision or exception contained in any section shall be held invalid, such facts shall not affect the remaining portion of said section, it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereof separately.

§ 13. This act may be cited as "The City Planning and Zoning Law."

Bills of the following titles were introduced, referred and ordered printed, as follows, viz:

By Senator Littrell.

S. B. 324. An Act to establish as part of State Highways a road beginning at Gratz, Ky., on Owen County side thence by Monterey, Ky., by way of Gaphill and Pond Branch up Kentucky River.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of state highways of Commonwealth of Kentucky, a road beginning at Gratz, Ky., on the Owen County side, and running up river via Gaphill and Pond Branch to Monterey.

§ 2. The construction, maintenance and supervision and control of said road shall be subject and controlled by the provisions of Chapter 17 of the Acts of the General Assembly

as amended, to the same as if said road had been named in the original Act as one of the projects of the primary system of the state highways as provided therein.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Ferguson.

S. B. 325. An Act to repeal and re-enact Chapter 118 of the General Assembly of 1922, relating to roads and highways.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 118 of the Acts of the General Assembly of 1922 be repealed and re-enacted so as to read as follows:

Project 23 from Lexington to Nicholasville to Kentucky-Tennessee state line near Huntersville via Lancaster, Stanford, Hustonville, Liberty and Jamestown to Sewellton, and from Sewellton to Albany by such route as may be selected and determined upon by the State Highway Commission. By connecting Danville to Camp Dick Robinson on Project 23.

By Senator Dawson.

S. B. 326. A bill to establish the Kentucky State Board of Accountancy, to grant the board the usual and necessary administrative powers, to define a public accountant, to define the status of a certified public accountant, to prescribe conditions under which firms may practice public accounting, to provide for the granting and issuing of certificates and registration cards to accountants who qualify under the provisions of this Act, and to determine the ownership of pro-

fessional papers, to provide for revoking and cancelling or suspending certificates and cards so issued, to fix certificate and registration fees, to provide for an annual register, to regulate the practice of public accounting so as to afford protection to the public, to prohibit the practice thereof by non-registered persons, to recognize certain specifically listed exemptions, to provide a penalty for violations of its provisions, and to repeal all acts and parts of acts inconsistent with the provisions thereof.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Within sixty days after this Act takes effect, the Governor shall apoint three citizens of the United States who are residents of this State, each of whom holds a certificate as a certified public accountant in this State and has practiced under its authority in this State for at least five years, to serve on the Kentucky State Board of Accountancy hereinafter called the board. The members of the board first appointed shall be selected by the Governor from a list of six names of certified public accountants holding certificates obtained in this State who have been practicing in the State for at least five years, which list shall have been nominated to him by the Kentucky Society of Certified Public Accountants at least thirty days prior to the appointment, one of whom shall be appointed for a term ending July 1, 1933, one for a term ending July 1, 1934, and one for a term ending July 1, 1935. At the expiration of the terms to which members of the board are first appointed, and upon the expiration of each succeeding term, the Governor shall appoint a member for a period of three years from certified public accountants holding certificates obtained in this State who have been practicing under the authority of such certificates for at least five years. Whenever the term of any member expires, or when-

ever a vacancy occurs, a period of ten days shall be allowed for the Kentucky Society of Certified Public Accountants to file a written request with the Governor that an appointment be made from a list of three names submitted for each place to be filled, and the Governor shall fill such vacancy or vacancies from such list. Each member of the board shall receive a certificate of appointment from the Governor and, before entering upon his duties, he shall file with the Secretary of State the constitutional oath of office. Any member of the board may be removed by the Governor for misconduct, incompetency, or neglect of duty, but only after he has had an opportunity to be heard in his own behalf. Any vacancy that may occur for any cause shall be filled by the Governor for the unexpired term under the same conditions that govern regular appointments. Every member shall hold office until his successor is appointed and qualified.

No person shall be appointed a member of the board who is directly, or indirectly interested in, or connected with, in a pecuniary way, any business college, organization, or association, teaching bookkeeping, or accounting; but nothing herein shall be construed to prevent any member of said board from delivering lectures or assisting in any such business college, organization, or association, teaching accounting or bookkeeping, provided such services are rendered without charge and that no compensation or remuneration is received or accepted for such services.

§ 2. The board, being charged with the responsibility for the administration of this Act, shall have power to design and use a seal, compel the attendance of witnesses, administer oaths, take testimony and receive proofs concerning all matters within its jurisdiction. It shall formulate rules for its guidance, not inconsistent with the provisions of this Act, and print the same for distribution. It may prescribe a standard of professional conduct and formulate reasonable rules defining unethical practice for public accountants. Provided, however, that before they are officially adopted and printed, as provided for in section fourteen, a copy of the same and

of any changes or amendments which may be thereafter proposed shall be mailed to every holder of a certificate issued under the provisions of this Act or Chapter 103b, Kentucky Statutes, at least sixty days prior to a date named, at which date an open hearing shall be held by the board for the purpose of receiving and considering objections to any of the suggested provisions. Every person practicing as a public accountant in the State, as described in section eight, shall be governed and controlled by the rules and standards adopted by the board.

§ 3. The board shall annually elect one of its members as President, one as Secretary, and one as Treasurer. It shall make an annual report to the Governor. It shall keep all applications filed, all documents under oath, a record of its proceedings, and shall maintain a register of the names and addresses of all persons applying for, and of those receiving, certificates under this Act, and of which, or a certified copy thereof, shall be prima facie evidence of all matters covered by them.

§ 4. A majority of the board shall constitute a quorum, and the affirmative vote of two members shall be considered as the action of said board, except in case of revoking a certificate, in which case the unanimous vote of the board shall be required. Meetings, at which examinations will be given, shall be held at least once each year. The times and places for holding such examinations shall be advertised at least three consecutive days in daily newspapers published in three different cities within the State, at least thirty days prior to the dates of such examinations, and notices of the same shall be mailed to all certificate holders and to all applicants for certificates under this Act. The board may require applicants to appear in person to answer questions or produce evidence to sustain facts which will determine whether the qualifications of the applicant are as prescribed by this Act and the rules of the board.

§ 5. The board shall charge each applicant for any cer-

tificate a fee of twenty-five dollars. A fee of five dollars shall be charged for each registration card issued. The fee shall accompany the application, which must be made on a blank provided by the board. The board hereby created shall not have the power to create any debt or incur any expense beyond the funds of the board which shall consist of the fees herein fixed. All necessary expenses incident to carrying out the provisions of this Act shall be paid out of the funds of the board, but no expenses under this Act shall ever be a valid charge against the funds of the State of Kentucky. The members of the board shall receive as compensation for their services, ten dollars per day for the time actually spent, and the necessary expenses incurred in the discharge of their duties as such members. All bills for compensation and expenses shall be allowed in open meeting of the board.

§ 6. On application by the holder of a certificate issued by the board, against whom no charges are pending, the board shall, in December of each year, issue a registration card, which card shall be good until December thirty-first of the next succeeding year. A registration card shall also be issued to any firm which has complied with the provisions of section twelve. Interim registration cards shall be issued to those applicants who have complied with the provisions of this Act within the year. An annual fee of not exceeding two dollars shall be paid by every person holding a certificate as a certified public accountant issued by said board, except those certified holders who pay the five dollar fee provided for in section five of this Act. Failure to secure a registration card for any year shall not disqualify the holder of a certificate from securing a card for a future year, if the certificate holder decides to return to the practice of public accounting; provided the certificate holder has, during the time he has not been engaged in the practice of public accounting, paid the annual fee of two dollars mentioned in section five of this Act. When registration cards are secured after the annual register is issued, such individuals shall not be subject to the penalty prescribed in section twenty-two or section twenty-three, pro-

vided the cards were secured prior to charges having been preferred against them that they were practicing unlawfully.

§ 7. The board shall, in January of each year, prepare a printed register which shall contain in addition to such other material as the board shall determine, a copy of this Act, an alphabetical list, by cities, of the names, certificate and registration numbers, professional or business connections and addresses of all accountants to whom registration cards have been issued for that year, and an alphabetical list of the names of the firms of accountants to whom registration cards have been issued for that year. The name of each holder of a certified public accountant certificate shall be followed by the initials "C. P. A." and firms, all members and resident managers of which are certified public accountants, shall be properly designated. A register shall be mailed to every holder of a certificate issued by the board, to every county clerk, city clerk, circuit court clerk, county court judge, circuit court judge, and bank cashier in the state, and to such other person or concerns as the board, in its discretion, may determine is for the public welfare. This register shall contain at the beginning the following statement: "Any person receiving this register is requested to send to the secretary of the Kentucky State Board of Accountancy the name and address of any person, firm, or corporation, known to be practicing as a public accountant whose name does not appear in the lists therein. The names of persons giving such information will not be divulged."

§ 8. A person, either individually, or as a member of a firm or corporation, shall be deemed to be in practice as a public accountant, within the meaning and intent of this Act:

(a) Who holds himself or herself out to the public in any manner as one who is skilled in the knowledge, science, and practice of accounting, and as qualified to render professional service therein as a public accountant for compensation; or

(b) Who, as principal or manager, maintains an office for the transaction of business as a public accountant, or who, except as an employee of a legally registered accountant, practices accounting, as distinguished from bookkeeping for more than one employer; or

(c) Who offers to prospective clients to perform for compensation, or who does perform on behalf of clients for compensation, professional service that involves or requires an audit, verification, investigation or examination of financial transactions and accounting records; or

(d) Who prepares or certifies for clients, reports of audit, balance sheets, and other financial, accounting and related schedules, exhibits, statements, or reports which are to be used for publication, for credit purposes, for the information of partners or stockholders, for prospective investors, or are to be filed with a court of law or with any other government agency, or are to be used with third persons for any purpose; or

(e) Who, in general or as an incident to such work, renders professional assistance to clients for compensation in any or all matters relating to accounting procedure and the recording, presentation and certification of financial facts.

§ 9. No person may legally practice in this State as a public accountant, either in his or her own name, under an assumed name, as a member of a firm, or as an employee, except as provided in section twenty-five, unless he or she shall have secured a registration card for the current year.

§ 10. Any person who has received from the board a certificate to practice as a certified public accountant, as hereinafter provided, shall be styled and known as a "certified public accountant" and no other person shall assume to use such title or the abbreviation "C. P. A.," or any other word, words, letters or figures to indicate that the person using the same is a certified public accountant. The terms "chartered account-

ant'' and ''certified accountant'' and the abbreviation ''C. A.'' are specifically prohibited as being prima facie misleading to the public. Any person who has received from the board a certificate of authority, as hereinafter provided, shall be styled and known as a ''public accountant'' and no other person, other than a certified public accountant, shall assume to use such designation to indicate that such person is entitled to practice as a public accountant. The term ''registered accountant'' shall not be used.

§ 11. Any person holding a certificate issued by the board may qualify in any court in this State as an expert witness on matters relating to accounting.

§ 12. Any firm, every member and resident manager of which is a certified public accountant, after registering the firm name with the board and securing a registration card for the current year, may use the designation ''certified public accountants'' in connection with the firm name; Provided, that whenever the firm name is so used, except in directory listings, the names of all members and managers thereof, resident in the State, all of whom must be registered for the current year, shall be indicated. All other firms having secured registration card for the current year, may use the designation ''public accountants'' in connection with the firm name: Provided, That whenever the firm name is so used, except in directory listings, the names of all members and managers thereof, resident in the State, all of whom must be registered for the current year, shall be indicated. The names of members not resident in the State may be indicated if such members are registered for the current year. When firms secure annual registration cards, the name of the firm shall be listed in the annual register together with the names of the members and managers thereof, resident in the State, the certified public accountants being indicated by the initials ''C. P. A.'' The names of non-resident members who hold certificates issued by the board may also be listed, if they are registered for the current year. An assumed name may be used the same as a firm name, provided the individual persons practicing as principal under that name hold certificates issued by the board

and provided such persons have complied with the laws of the State governing assumed name organizations.

§ 13. A corporation may not practice as a public accountant in the State and the Secretary of State shall not accept for filing purposes, Articles of Incorporation listing such practice as one of its objects.

§ 14. If and when the board shall have prescribed a standard of professional conduct or shall have formulated rules defining unethical practice for public accountants, the same shall be printed as part of the application blanks for both certificates and registration cards and every applicant or either a certificate or registration card shall subscribe to the same when making application. Before the board issues a certificate to any person under this Act, such persons shall file with the board the following oath or affirmation, which shall be taken before an officer authorized to administer oaths: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully perform and discharge the duties of a public practitioner of accountancy to the best of my ability and in accordance with the law."

§ 15. Applicants for a certificate as a certified public accountant, or for a certificate of authority, must be citizens of the United States, or persons who have declared their intention of becoming such, who reside within the State or who have an office for the regular transaction of business therein, who are over the age of twenty-three years and of good moral character. Applicants who have declared their intention of becoming citizens and who pass the examination shall be granted a certificate of authority valid, subject to the annual registration, for a period of six years from the date of such declaration of intention. When evidence is furnished the board that citizenship is completed, the certificate of authority shall be cancelled by the board and a certificate as a certified public accountant issued therefor. If evidence is not furnished within six years that citizenship is completed, the certificate

of authority shall be revoked and cancelled. The board shall have power to extend the certificate of authority, if sufficient cause for delay is shown.

§ 16. Applicants for a certificate as a certified public accountant must have completed at least a four-year high school course of study or have received an equivalent education prior to the time of application, the value of equivalents offered to be determined by the board. Such applicants must have had at least four years practical experience in public accounting during the six years immediately preceding the date of application, the efficiency of the experience to be judged by the board. The board may accept satisfactory evidence of sufficient technical education in accountancy in lieu of one year of public accounting experience. An applicant who has successfully pursued a four-year college or university course in business administration of a grade acceptable to the board, or who has had four years of practical private accounting, as distinguished from bookkeeping, experience of a character satisfactory to the board, may be credited with two years on the experience requirement.

§ 17. The board shall issue a certificate as a certified public accountant to each applicant who passes a satisfactory examination in theory of accounts, practical accounting, auditing, commercial law, economics and public finance, and in such other related subjects as the board may deem necessary to maintain the highest standard of proficiency in the profession, provided the applicant has complied with the requirements of this act and the rules of the board. If any applicant is a member of the bar of this State, in good standing, he shall be passed in the subject of commercial law without an examination. Within sixty days after each examination the board shall report the individual results to each examinee.

§ 18. All statements, records, schedules and memoranda, commonly known as "working papers," made by a certified public accountant or by a public accountant or by his or her employee or employees, incident to or in the course of pro-

fessional service to clients, except reports submitted to a client, shall be and remain the property of such certified public accountant, or public accountant, in the absence of a written agreement between the accountant and the client to the contrary.

§ 19. The board may, in its discretion, issue a certificate as a certified public accountant to any applicant who holds a valid and unrevoked certificate as a certified public accountant issued by or under the authority of another State or political subdivision of the United States, or who holds a valid and unrevoked certificate as a chartered accountant issued by or under the authority of a foreign country, provided the applicant has complied with the requirements of this Act and the rules of the board, and (a) the original certificate was secured as the result of an examination which in the judgment of the board was the equivalent of the standard established by it or (b) the holder has maintained an office for, or has been engaged in the practice of public accounting under the authority of such certificate, for a period of ten years.

§ 20. The board shall issue a certificate of authority to practice as a public accountant to each applicant before January 1, 1933, who furnishes satisfactory evidence that he or she was maintaining an office in the State for the practice of public accounting on his or her own account at the date of the passage of this Act, and has been in continuous practice, during the whole or a portion of the regular business hours of each day, as a public accountant in the State since that date, or that he or she had been in responsible charge of accounting engagements as an employed member of the staff of a certified public accountant, or of a public accountant, of a firm of certified public accountants, or a firm of public accountants, or of a corporation practicing public accounting in the State, for a period of at least four years immediately prior to the passage of this Act.

The board shall require the same information from each applicant for a certificate of authority as it requires from an applicant for a certificate as a certified public accountant.

Applicants for certificates of authority shall comply with the requirements of this Act and the rules of the board, insofar as they are applicable. No certificate of authority shall be granted after January 1, 1933, except, as provided in section fifteen, to persons who have passed an examination as a certified public accountant and who have not yet secured their full citizenship papers. Certificates of authority confer the legal right to practice as a public accountant but do not confer any added title or designation.

§ 21. Except by written permission of the client, or person, or firm, or corporation employing him, or the heirs, successors or personal representatives of such employers, a certified public accountant, or a public accountant, or a person employed by a certified public accountant or by a public accountant shall not be required to, and shall not voluntary, disclose or divulge information of which he or she may have become possessed relative to and in connection with any examination, investigation, verification, or audit of, or report on, any books, records, or accounts which he or she may be employed to make. The information derived from or as the result of such professional service shall be deemed confidential and privileged: Provided, however, that nothing in this paragraph shall be taken or construed as modifying, changing or affecting the criminal or bankruptcy laws of this State or of the United States.

§ 22. Any person:

(a) Who shall use any other term than certified public accountant, or the abbreviation "C.P.A." to indicate that he or she is a public accountant with a special title; or

(b) Who shall announce by printed or written statement that he or she holds membership in any society, association or organization of professional public accountants, unless such society, association or organization has been officially recognized by the board; or

(c) Who shall, as a member of a firm, announce, either

in writing or by printing, that the firm is practicing as "certified public accountants," unless all members of the firm and the resident managers are holders of valid and unrevoked C.P.A. certificates issued by or under the authority of a State or other political sub-division of the United States, and the firm is registered with the board; or

(d) Who shall, as a member of a firm, announce, either in writing or by printing, that the firm is practicing as "public accountants" unless all members and managers of the firm, resident in the State, are holders of certificates granted by the board and the firm is registered with the board; or

(e) Who shall, as an officer of a corporation, permit it to practice as a public accountant; or

(f) Who holds himself or herself out to the public as a certified public accountant or who assumes to practice as a certified public accountant unless he or she has received a certificate as such from the board; or

(g) Who holds himself or herself out to the public as a public accountant or who assumes to practice as a public accountant unless he or she has received a certificate of authority from the board; or

(h) Who continues to hold herself out to the public as a certified public accountant or as a public accountant after his or her certificate has been revoked; or cancelled or is under suspension; or

(i) Who shall practice as an individual, or, as a member of a firm, practice or permit the firm to practice as a certified public accountant or as a public accountant unless a registration card has been secured for the current year; or

(j) Who shall sell, buy, give or obtain an alleged certificate as a certified public accountant, or a certificate of authority, or a registration card in any other manner than is provided for by this Act; or

(k) Who shall attempt to practice as a certified public accountant or as a public accountant under guise of a certificate or registration card not issued by this board, or under cover of a certificate or registration card obtained illegally or fraudulently; or

(l) Who shall certify to any false or fraudulent report, certificate, exhibit, schedule or statement; or

(m) Who shall attempt by any subterfuge to evade the provisions of this Act while practicing as a public accountant; or

(n) Who shall, as an individual, or as a member of a firm or as an officer of a corporation, permit to be announced by printed, typed, or written statement that any report, certificate, exhibit, schedule or statement has been prepared by a certified public accountant or by a public accountant when the person who prepared the same was not such certified public accountant or public accountant, and was not regularly registered with the board and was not exempt under the provisions of section twenty-five, shall be deemed guilty of a misdemeanor, the penalty for which shall be not more than five hundred dollars for each offense, or imprisonment in the county jail for a period not exceeding six months, or by both, such fine and imprisonment at the discretion of the court.

§ 23. Any certificate or registration card issued by the board may be revoked and canceled, or suspended for a definite period, or the holder thereof may be officially censured by the board after a hearing, for reasons indicated in section twenty-two, or for unprofessional conduct, or for unethical practice, or for any other sufficient cause, or it may direct that action at court be brought or it may both revoke, suspend, or censure and institute action at court: Provided, That written notice shall have been mailed to the holder of such certificate, at his last known address, at least thirty days before any hearing thereon, stating the charge which has been preferred and appointing a time for a hearing by the board. At all such

hearings, the Attorney General of the State, or an assistant designated by him, shall be present and represent the interest of the public. The certificate holder shall have the right to be represented by counsel. No action of said board, however, revoking, cancelling or suspending such certificate or registration card, for any offense other than those enumerated in section twenty-two upon which there shall have been a prior conviction, unappealed from, shall be operative if the person or firm whose certificate or registration card shall have been so revoked, cancelled or suspended, shall file in the chancery division of the circuit court of the county of which such person or firm is a resident or maintains an office, a petition setting forth the facts of such revoking, cancelling or suspending of such certificate or registration card, and praying the court for a hearing on the charges preferred against the holder of such certificate or registration card, and praying for an order to show cause directed against said board and requiring said board to appear and plead to said petition in the same manner as in actions in chancery in circuit court. Said matters shall thereupon proceed to hearing and decree the same as in chancery in circuit courts. The burden of proof of such charges shall be upon said board. At all such hearings the Attorney General of the State, or an assistant designated by him, shall be present and represent the interests of the public. The costs of the prevailing party may be taxed as the court may deem just and right under the circumstances. If the prayer of such petition be granted, the action and order of said board revoking, cancelling or suspending such certificate or registration card, shall thereupon become void and of no effect. If the prayer of said petition be denied, the action and order of said board shall become valid, effective and enforceable.

§ 24. The display of a card, sign, advertisement, a directory listing, or the issuance of a letterhead bearing a person's name as a practitioner of public accounting as described in section eight, shall be presumptive evidence by implication, in any hearing or prosecution against such person, that the person whose name is so carried thereon is responsible for the same and that he or she is announcing himself or herself

thereby to practice public accounting. In any hearing or prosecution under this act, the proof of a single act prohibited by law shall be sufficient without proving a general course of conduct.

§ 25. Nothing contained in this act shall apply to holders of State granted C. P. A. certificates from other States who may be temporarily in this State on professional business incident to their regular practice in the States of their domicile, but with neither residence nor office in this State, provided they have made no attempt by letter or otherwise to contact with prospective clients in this State. On application the board may grant permission to the holder of a certificate as a public accountant issued by another State to make an audit in this State for a regular client in the State of his or her residence or office. Nothing contained in this act shall prevent the employment by a certified public accountant, or by a public accountant, or by a firm furnishing public accounting services as principal, of non-registered persons to serve as accountants in various capacities as needed: Provided, That such persons work under the control and supervision of regularly registered accountants: And provided further, That they do not issue any statements or reports over their own names, except such inter-office reports as are customary: And provided further, That such persons are not in any manner held out to the public as public accountants as described in section 8.

Nothing contained in this act shall imply that a practicing attorney, who, in connection with his professional work, prepares reports or presents records of a form or character usually prepared and presented by accountants, has become a public accountant within the meaning of this act as described in section eight.

Nothing contained in this act shall apply to any person who may be regularly employed by more than one person, firm or corporation, for the purpose of keeping books, making trial balances or statements and making such internal audits and preparing such reports thereof as would ordinarily be

made by a full time employee, for the sole use of the managers or owners of the business, provided the audits or reports are not prepared in a manner or form, with signed transmitted statements or certificates, that will permit their use by such managers or owners with third parties as having been prepared by an independent accounting practitioner.

§ 26. All certified public accountants and all public accountants who are registered as such under the provisions of this act shall be exempt from serving on a jury.

§ 27. The provisions of this act shall not be construed to invalidate any certificates heretofore granted under Chapter 103b Kentucky Statutes.

§ 28. Should the courts of this State or of the United States declare any provision of this act unconstitutional, illegal, or void, such decision shall not invalidate any other pro vision of this act.

§ 29. All acts or parts of acts in anywise inconsistent herewith are hereby repealed.

By Senator Gates F. Young.

S. B. 327. An Act to provide for the incorporation, regulation, merger, consolidation and dissolution of certain corporations for profit.

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions. As used in this Act.

I. "Corporation" means a corporation organized under this Act.

II. "Domestic Corporation" means a corporation organized under the laws of this State, and the term "Foreign Corporation" includes every other corporation.

III. "Articles of Incorporation" includes both the original articles of incorporation and any and all amendments thereto, except in those instances where the context of this Bill expressly refers to the original articles of incorporation only.

IV. An "Incorporator" is one of the signers of the original articles of incorporation.

V. A "Subscriber" is one who subscribes for shares in a corporation, whether before or after incorporation.

VI. "Shares" are the units into which are divided the shareholders' rights to participate in the control of the corporation, in its surplus or profits or in the distribution of corporate assets.

VII. A "Shareholder" is one who owns one or more shares. A subscriber becomes a shareholder upon the allotment of shares to him. Nothing in this Section shall be construed as forbidding a corporation to recognize a person registered on its books as the owner of shares as the person exclusively entitled to have and to exercise the rights and privileges incident to the ownership of such shares, or to hold liable for calls and assessments a person registered as the owner of shares.

VIII. A "Certificate of Stock" is a written instrument signed by the proper corporate officers, as required by this Act, and evidencing the fact that the person therein named is the registered owner of the share or shares therein described.

IX. "Allotment" means the apportioning of a certain number of shares to a subscriber in response to the application contained in his subscription, or to a shareholder pur-

suant to the declaration of a stock dividend. The allotment of shares to the incorporators, or to persons whose subscriptions were approved by the incorporators before incorporation and were unrevoked at the time of the incorporation, shall be in effect automatically coincident with incorporation.

X. The "Capital Stock" of a corporation at any time is

(a) The aggregate amount of the par value of all allotted shares having a par value, including such shares allotted as stock dividends, and

(b) The aggregate of the cash and the value of any consideration other than cash, determined as provided in this Act, agreed to be given or rendered as payment for all allotted shares having no par value, plus such amounts as may have been transferred from surplus upon the allotment of stock dividends in shares having no par value.

XI. The "Assets" of a corporation include all its property and rights of every kind.

XII. The "Capital" of a corporation is the portion of its assets acquired as consideration for shares allotted and that portion of its assets which has been treated as payment for shares allotted as stock dividends.

XIII. The term "Registered Office" means that office maintained by the corporation in this State:

(a) as the place where the corporation's minute and stock books are kept, and

(b) the address of which is kept on file in the office of the Secretary of State in the manner required by the provisions of this Act.

XIV. The term "Unincorporated Association" means any group of two or more persons united to carry on a business for profit, except when such group is formed into a cor-

poration under the laws of any State, territory, nation or sovereignty. Without hereby restricting or limiting the meaning of the term, it is declared to include partnerships, limited partnerships, limited partnership associations, joint stock companies and business trusts.

XV. "The Court" as used in Section 49 and 61 means any court of competent jurisdiction where the registered office of the corporation is located.

§ 2. Corporators; number necessary; laws applicable.

Any number of persons, not less than three, may associate to establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, including the buying, selling, holding, dealing in, renting and letting of real estate under the provisions of the subject to the requirements of this article, but banking, building and loan, trust insurance and railroad corporations shall be organized in the manner and subject to the provisions relating especially to such corporations but there shall be applicable to such banking, building and loan, trust, insurance and railroad corporations all the provisions of this Act not inconsistent with the laws, now or hereafter in force and relating especially to such corporations.

§ 3. Articles of Incorporation; what they shall specify.

Such persons shall execute articles of incorporation which shall specify:

I. The name of the corporation, which shall be such as to distinguish it from any other corporation engaged in or carrying on business in this State.

II. The name of the city or town and county in which its principal office or place of business is to be located.

III. The nature of the business or objects or purposes proposed to be transacted, promoted or carried on.

IV. The total number of par value shares and the par value of each share; and, if any of its shares have no par value, the authorized number of such shares; a description of the classes of shares, if the shares are to be classified, and a statement of the number of shares in each class, and the relative rights, voting power, preference and restrictions, granted to or imposed upon the shares of each class in the payment of dividends or the distribution of assets in the event of dissolution.

The amount of paid in capital with which the corporation will begin business.

V. The names and places of residence of each of its stockholders, and the number of shares of stock subscribed by each.

VI. The time when said corporation is to commence business and the period it is to continue, and said period may be for as many years as shall be fixed in the articles or may be a perpetual period.

VII. By what officers or persons the affairs of the corporation are to be conducted, and the time and place at which they are to be elected and may authorize the by-laws of the corporation, change the number of directors, and the officers, and to fix their term, qualification and method of election or appointment and removal from office.

VIII. The highest amount of indebtedness or liability which the corporation may at any time incur.

IX. Whether the private property of the stockholders, not subject by the provisions of the law under which it is organized, shall be subject to the payment of corporate debts, and if so, to what extent.

§ 4. The Corporate Name.

I. The corporate name must end with the abbreviation

"Inc.," or must include the word "Corporation" or "Incorporated" (or may include the word "Company," or the abbreviation "Co.," if that word of abbreviation is not immediately preceded by the word "and" or the abbreviation "&"). The provisions of this subdivision shall not affect the right of any corporation, existing at the time this Act takes effect, to continue the use of its present corporate name.

II. The corporate name shall not be the same as, nor deceptively similar to the name of any other domestic corporation or of any foreign corporation authorized to do business in this State unless

(a) such other domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this State, and

(b) the written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and is filed with the articles of incorporation.

III. The corporate name shall not be the same as, nor deceptively similar to, the trade name of any person or unincorporated association doing business under such trade name in this State or elsewhere, if such person or unincorporated association within the last preceding twelve months has signified an intention to incorporate in this State under such name by filing notice of such intention with the Secretary of State, unless the written consent to the adoption of such name or deceptively similar name has been given by such person or unincorporated association, and is filed with the articles of incorporation.

IV. The corporate name shall not be the same as, nor deceptively similar to, the name of any foreign corporation doing business elsewhere than in this State if such foreign corporation within the last preceding twelve months has signi-

fied an intention to secure incorporation in this State under such name, or to do business as a foreign corporation in this State under such name by filing notice of such intention with the Secretary of State, unless the written consent to the adoption of such name or a deceptively similar name has been given by such foreign corporation and is filed with the articles of incorporation.

V. Nothing in this section shall abrogate or limit the law as to unfair competition or unfair practices; nor derogate from the common law, the principles of equity, or the statutes of this State or of the United States with respect to the right to acquire and protect trade names.

VI. A corporation formed under this Act may use a corporate name in any language, but the same must be in English letters or characters.

VII. No corporation formed under this Act shall include in its corporate name any of the following words or phrases: "Trust", "Banks", "Safe-Deposit", "Insurance", "Guaranty", "Title", "Casualty", "Benefit", "Cooperative" and "Mutual", or any word carrying with it the implication that such company is engaged in the business of banking, or building and loan, or trust, or insurance, or railroad or railway company.

VIII. The assumption of a name in violation of this Section shall not affect or vitiate the corporate existence, but the Courts of this State, having equity jurisdiction, upon the application of the State, or of any person, unincorporated association, or corporation interested or affected, may enjoin such corporation from doing business under a name assumed in violation of this Section, although its articles of incorporation may have been approved and a certificate of incorporation issued.

§ 5. Articles; how executed and recorded evidence; fees of secretary of State.

The articles shall be signed and acknowledged by the parties hereto before any officer authorized to take acknowledgements to deeds, and recorded in the county clerk's office of the county in which its principal office or place of business is to be located, and a copy thereof shall be filed and recorded in the office of the secretary of State; and said articles or a certified copy thereof, may be used as evidence in any action for or against such corporation; and all amendments thereto shall become a part of the original articles. The corporation shall pay to the secretary of State a fee of twenty-five cents for one hundred words for recording the articles of incorporation, said fees to be turned into the State treasury.

§ 6. Subscriptions for Shares Before Incorporation.

I. Subscriptions for shares of a corporation to be formed shall be in writing. Unless otherwise provided in the writing, the subscription shall be

(a) Irrevocable for a period of one year from the date of signing except as provided in subdivision II of this Section;

(b) revocable after a period of one year from the date of signing, unless prior to such revocation a certificate of incorporation has been issued as provided in Section 5.

II. Subscription for shares may be revoked at any time by either party upon such grounds as exist at law or in equity for the recision of any contract.

III. Upon the issue of the certificate of incorporation, subscriptions for shares may be enforced by the corporation according to their terms unless revoked as provided in this Section.

IV. When no provision as to the time of payment is made in the contract of subscription, shares shall be paid for on the call of the board of directors.

§ 7. Minimum Amount of Paid-In Capital. The amount

of paid-in capital with which a corporation may begin business shall not be less than $1,000.00 in cash or other property or services actually rendered taken at a fair valuation, but in no event shall the corporation commence to do business with persons other than its stockholders until at least fifty per cent. (50%) of the capital stock of said corporation shall be in good faith subscribed.

§ 8. Conditions Precedent To Beginning Business. Penalty For Violation of Section.

I. A corporation formed under this Act shall not incur any debts or begin the transaction of any business, except such as is incidental to its organization or to the obtaining of subscriptions to or the payment for its shares, until:

(a) the articles of incorporation has been filed for record as provided in Section 5;

(b) the amount of capital with which it will begin business, as stated in the articles of incorporation, has been fully paid in; and

(c) there has been filed in the office of the Clerk of the county court of the county in which the corporation has its registered office an affidavit signed by at least a majority of the board of directors and stating that the amount of capital with which it will commence business, as stated in the articles of incorporation, has been fully paid in.

II. If a corporation has transacted any business in violation of this Section, the officers who participated therein and the directors, except those who dissented therefrom and caused their dissent to be filed at the time in the registered office of the corporation, or who, being absent, so file their dissent upon learning of the action, shall be severally liable for the debts or liabilities of the corporation arising therefrom.

§ 9. Validity and Effect of Certificate of Incorporation.

The certificate of incorporation issued by the Secretary of State in accordance with the provisions of section 5 shall be conclusive evidence of the fact that the corporation has been incorporated. Proceedings, however, may be instituted by the State to dissolve, wind up and terminate a corporation which has attempted to organize under this Act, in violation of its provisions or which has been formed without a substantial compliance with the conditions prescribed by this Act as precedent to incorporation.

§ 10. Effect of Filing or Recording Papers Required to be Filed.

The filing or recording of the articles of incorporation, or amendments thereto, or of any other papers pursuant to the provisions of this Act is required for the purpose of affording all persons the opportunity of acquiring knowledge of the contents thereof, but no person dealing with the corporation shall be charged with constructive notice of the contents of any such articles or papers by reason of such filing or recording.

§ 11. Corporate Capacity and Corporate Authority; the Same Distinguished.

I. A corporation which has been formed under this Act or a corporation which existed at the time this Act takes effect and of a class which might be formed under this Act, shall have the capacity to act possessed by natural persons, but such a corporation shall have authority to perform only such acts as are necessary or proper to accomplish its purposes and which are not repugnant or contrary to law.

II. Without limiting or enlarging the grant of authority contained in subdivision I of this section it is hereby specifically provided that every such corporation shall have authority:

(a) to adopt a corporate seal and to alter the same at pleasure;

(b) to continue as a corporation for the time limited in its articles of incorporation, or, if no such time limit is specified then perpetually;

(c) to sue and be sued in its corporate name;

(d) to acquire, hold, sell, convey, dispose of, pledge or mortgage real or personal property as its purposes may require, subject to any limitation prescribed by law or the articles of incorporation;

(e) to conduct business in this State and elsewhere as may be permitted by law; and

(f) to dissolve and wind up its affairs and after paying its debts and obligations, distribute its assets to its stockholders according to their respective rights.

§ 12. Holding Shares and Securities of Other Corporations.

A corporation, to accomplish its purpose as stated in the articles of incorporation, may acquire, hold, mortgage, pledge or dispose of the shares, bonds, securities and other evidences of indebtedness of any domestic or foreign corporation and may become guarantors or sureties upon any such obligations.

§ 13. Shares—Classes of—Par and No Par Value.

I. The shares of a corporation may be divided into classes with such rights, voting power, preferences and restrictions as to sale or transfer thereof as may be provided for in the articles of incorporation, but all limitation shall be printed in bold type on the face of such certificate.

II. Any or all of the shares may have a par value or have no par value, as provided in the articles of incorporation.

III. Except as otherwise provided by the articles of in-

corporation, each share shall be in all respects equal in right to every other share.

§ 14. Certificate of Stock: Form of Certificate.

I. Each shareholder shall be entitled to a certificate of stock signed by the president and the secretary, or by such officers as the articles of incorporation or by-laws may provide, but when any such certificate is signed by a transfer agent or registrar, the signature of any such corporate officer and the corporate seal, if any, upon such certificate may be engraved or printed facsimile.

II. Every certificate of stock shall state: the name of the corporation, and,

(a) the state of incorporation;

(b) the name of the registered holder of the shares represented thereby.

(c) the number and class of shares which said certificate represents;

(d) the par value of each share represented, or a statement that such shares have no par value;

(e) the total number of par value shares which the corporation is authorized to issue and the par value of each share; and, if any of its shares have no par value, the authorized number of such shares;

(f) if the corporation is authorized to issue shares of more than one class, the rights, voting power, preferences and restrictions granted to or imposed upon the shares of each class, or a summary thereof with a reference to the articles of incorporation.

III. A certificate for shares having no par value shall not state any par value, nor any value thereof in money nor

any rate of dividend to such shares shall be entitled in terms of a percentage of any par or other value.

IV. Upon a further allotment of shares, a corporation may issue to a shareholder full or fractional share warrants evidencing the number of shares or the fraction of a share to which the shareholder is entitled to subscribe pursuant to resolutions of the board of directors and evidencing the terms or conditions of such subscription rights.

§ 15. Shares—Allotment and Consideration.

I. No allotment of shares of a corporation shall be made except:

(a) pursuant to duly authorized subscriptions received therefor, or

(b) pursuant to duly authorized and declared stock dividends.

II. Subscriptions for shares may be made payable, as provided in subdivisions III and IV of this Section, with cash, other property, tangible or intangible, or with necessary services actually rendered to the corporation.

III. Subscriptions for shares having a par value shall be made payable:

(a) with cash to an amount not less than the aggregate par value of the shares subscribed for; or

(b) with consideration other than cash, the fair valuation of which, to the corporation, is not less than the aggregate par value of the shares subscribed for.

IV. Subscriptions for shares having no par value shall be made payable as follows:

(a) if the subscription is signed before incorporation,

with consideration of the character and value determined by the incorporators;

(b) if the subscription is signed after incorporation, with consideration of the character and value determined by the shareholders at any annual or special meeting, duly called and held for that purpose, or determined by the board of directors acting under authority conferred by the shareholders or by the articles of incorporation.

§ 16. Issue of Certificate of Stock.

I. A certificate of stock shall not be issued until the shares represented thereby have been fully paid for.

II. Shares allotted as stock dividends, and shares for which the agreed consideration has been paid, delivered or rendered to the corporation shall be fully paid shares and non-assessable.

III. When a corporation has received a note or uncertified check as consideration for shares, such shares shall not be considered as fully paid for until such note or check has been paid.

§ 17. Valuation of Consideration for Shares.

For the purpose of determining whether shares have been fully paid for in order to fix the extent of the outstanding obligation of a shareholder, to the corporation with respect to such shares, the following valuations shall be conclusive:

(a) the valuation placed by the incorporators, the shareholders or the directors, as the case may be, upon the consideration other than cash with which the subscriptions for shares are made payable;

(b) the valuation placed by the board of directors upon the corporate assets in estimating the surplus to be trans-

ferred to capital as payment for shares to be allotted as stock dividends.

§ 18. Filing Report and Affidavit as to Consideration for Shares. Penalty for failure to File.

I. Within 30 days after incorporation, and within 90 days after every subsequent allotment of shares the facts in regard to which have not been made public in a report previously filed as required by this Section, the corporation shall file in the office of the County Clerk of the county in which the corporation has its registered office, a report verified by the president or vice president and by the secretary, assistant secretary or treasurer, and containing:

(a) a statement of the total number of shares allotted up to the date of the report, the number of such shares that have no par value, the number of such shares that have a par value, and the par value thereof;

(b) An accurate, detailed and itemized description of the consideration received or to be received in payment for shares allotted, or allotted since the date of the last report;

(c) a statement of the valuation put by the incorporators, shareholders or board of directors, as the case may be, upon the consideration other than cash received or to be received in payment for shares allotted, or allotted since the date of the last report, and in case of shares allotted as a stock dividend, the amount of surplus transferred to capital in respect to such dividend, whether all or any part of such surplus was created by a revaluation of assets, and, if so, the value of the assets on the books of the corporation before and after such revaluation, the amount of the surplus or deficit before such revaluation, and the amount of the surplus after such revaluation.

II. For every violation in this Section, a corporation shall be liable to the State, in a fine not exceeding one-tenth

of one per cent. of the amount of its capital stock for each day's omission after the time limited for the filing of such report.

§ 19. Validity of shares.

The fact that shares are allotted in violation of or without full compliance with, the provisions of this Act shall not make the shares so allotted invalid.

§ 20. Liability of Incorporators, Subscribers, Shareholders, Directors, and Officers.

I. A subscriber to or holder of shares of a corporation formed under this Act, shall be under no liability to the corporation with respect to such shares other than the obligation of complying with the terms of the subscription therefor, but one who became a shareholder in good faith and without knowledge or notice that the shares he acquired had not been fully paid for, shall not be liable to the corporation with respect to such shares.

II. A shareholder of a corporation formed under this act shall not be personally liable for any debt or liability of the corporation except as specifically provided by this or other statutes of this State.

III. No person holding shares as executor, administrator, guardian, trustee, trustee of a voting trust, receiver, or in any other fiduciary capacity, shall be personally liable merely by reason of so holding such shares.

IV. Nothing in this Act shall be construed as in derogation of any rights which any person may have under the common law or the principles of equity against an incorporator, subscriber, shareholder, director, officer, or the corporation because of any fraud practiced upon him by any of such persons, or the corporation; or in derogation of any rights which the corporation may have because of any fraud practiced upon it by any of such persons.

§ 21. Transfer of Certificates of Stock and Shares Represented Thereby.

The transfer of Certificates of stock and the shares represented thereby, may be regulated by the by-laws provided such by-laws are not inconsistent with other provisions of the law.

§ 22. Corporation's Lien on Shares.

If a shareholder be indebted to the corporation on account of unpaid subscriptions for shares, it shall have a lien upon such shares for such indebtedness. If such indebtedness is not paid after demand made upon reasonable notice, the corporation may sell the shares at public auction, after giving notice of the time, place and terms of sale by registered mail addressed to such shareholder at his last known place of business or residence and by publication for three days before the sale in some newspaper published in the county where the corporation has its registered office, or if there be no newspaper in such county, then in a newspaper of general circulation in such county.

§ 23. Paid-In Surplus.

I. If, upon the allotment of shares having no par value, any part of the consideration received by the corporation is to be treated as paid-in surplus rather than as payment upon such shares, the incorporators, shareholders or directors, as the case may be, who fix the amount of cash or determine the value of other consideration so received, shall at that time specify the proportion of such value that is to be considered as surplus and the proportion thereof that is to be considered payment for shares.

II. Amounts of surplus paid in by shareholders shall be shown on the books of the corporation as a separate item designated "paid-in surplus".

§ 24. Dividends; Method of Estimating Fund For Payment Of.

I. Every corporation formed shall carry upon its books as a liability the amount of its capital stock as defined in Section 1, subdivision X.

II. Amounts of surplus arising from an unrealized appreciation or revaluation of fixed assets shall be shown on the books of the corporation as a separate item apart from the surplus profits or paid-in surplus.

III. In computing the aggregate of the assets of the corporation, the board of directors shall determine and make proper allowance for depreciation and depletion sustained, and losses of every character. Deferred assets and prepaid expenses shall be written off at least annually in proportion to their use as may be determined by the board of directors.

IV. No Corporations Shall Pay Dividends:

(a) in cash or property, except from the surplus of the aggregate of its assets over the aggregate of its liabilities, including in the latter the amount of its capital stock, after deducting from such aggregate of its assets the amount by which such aggregate was increased by unrealized appreciation in value or revaluation of fixed assets;

(b) in shares of the corporation, except from the surplus of the aggregate of its assets over the aggregate of its liabilities, including in the latter the amount of its capital stock.

V. Cash dividends shall not be paid out of surplus due to or arising from

(a) any profit on treasury shares before resale; or

(b) any unrealized profits due to increase in valuation of inventories before sale; or

(c) the unaccrued portion of unrealized profits on notes, bonds, or obligations for the payment of money purchased or

acquired at a discount unless such notes, bonds, or obligations for the payment of money purchased or acquired at a discount unless such notes, bonds, or obligations are readily marketable, in which case they may be taken at their actual market value; or

(d) the unaccrued or unearned portion of any unrealized profit in any form whatever, whether in the form of notes, bonds, obligations for the payment of money, installment sales, credits or otherwise.

VI. Subject to the limitations contained in this Section, a dividend may be declared in shares of the corporation whenever the board of directors so determine, provided that

(a) if the dividend is to be paid in shares having a par value, the aggregate par value of such shares shall not exceed the amount of that portion of the corporation's surplus which is transferred to capital as payment for such shares;

(b) if the dividend is paid in shares having no par value, the number of such shares may be fixed by the board of directors;

(c) no dividend payable in shares of any class shall be paid to shareholders of any other class unless the articles so provide or such payment is authorized by the vote of the holders of a majority of the shares of the class in which the payment is to be made.

VII. A corporation which owns wasting assets intended for sale in the ordinary course of business, such as mines, or oil or gas wells, or a corporation which owns property having a limited life, such as a lease for a term of years, or patents, need not deduct the depletion of such assets by sale or lapse of time in the computation of the fund available for dividends, and such a corporation may pay dividends from the net profits arising from its business without deduction of such depletion, subject, however, to the rights of shareholders of different classes.

§ 25. Liability of Directors and Shareholders For Dividends Unlawfully Paid or Corporate Assets Otherwise unlawfully Returned.

If any dividend be paid in violation of Section 24, or if any other unlawful distribution, payment or return of assets be made to shareholders.

I. The directors who knowingly, or without making reasonable inquiry, voted in favor thereof shall be jointly and severally liable to the corporation in an amount equal to the amount of the dividend so paid and the distribution, payment or return of assets so made;

II. Every shareholder who received any such dividend or any such distribution, payment or return of assets shall in the following instances be individually liable to the corporation in an amount equal to the amount so received by him;

(a) when no director is liable to the corporation as provided in subdivision I of this Section, or

(b) to the extent that the corporation is unable to obtain satisfaction after judgments recovered against directors upon the liability imposed by subdivision I of this Section.

III. No action shall be brought against a director under subdivision I, or against a shareholder under subdivision II (a) unless brought within two years from the date on which such payment, distribution or return was made; and no action shall be brought against a shareholder, under subdivision II (b) unless brought within two years from the date of final judgment against the directors.

§ 26. By-Laws.

I. The shareholders of a corporation may make and alter by-laws not inconsistent with law or the articles of incorporation.

II. The authority to make by-laws may be expressly vested by the articles of incorporation in the board of directors, subject to the power of the shareholders to change or repeal such by-laws.

III. The board of directors shall not make or alter any by-laws fixing their qualifications, classifications, term of office or compensation.

§ 27. Shareholders' Meetings.

I. Shareholders' Meetings may be held within or without the State unless otherwise provided herein or in the articles of incorporation or by-laws. At least one meeting of the shareholders shall be held in each calendar year. The by-laws may provide for the time and place of holding shareholders' meetings.

II. Special meetings of the shareholders may be called at any time by the board of directors. If more than eighteen months are allowed to elapse without the annual shareholders' meeting being held, any shareholder may call such meeting to be held at the registered office of the corporation. At any time, upon written request of any director, or of any shareholder or shareholders holding in the aggregate one-fifth of the voting power of all shareholders, it shall be the duty of the secretary to call a special meeting of shareholders to be held at the registered office at such time as the secretary may fix, not less than ten nor more than thirty-five days after the receipt of said request, and if the secretary shall neglect or refuse to issue such call, the director or shareholder making the request may do so.

III. An adjournment or adjournments of any annual or special meeting may be taken without new notice being given, but any meeting at which directors are to be elected shall be adjourned only from day to day until such directors have been elected.

IV. Persons authorized to call shareholders' meetings

shall cause written notice of the time, place and purpose of the meeting to be given all shareholders entitled to vote at such meeting, at least ten days prior to the day named for the meeting. If such written notice is placed in the United States Mail, postage prepaid, and addressed to a shareholder at his last known post office address, notice shall be deemed to have been given him. Notice of any shareholders' meeting may be waived in writing by any shareholder at any time.

§ 28. Voting Rights.

I. Except as otherwise provided in the articles of incorporation, every shareholder of record shall have a right at every shareholders' meeting to one vote for every share standing in his name on the books of the corporation. Unless the articles or by-laws otherwise provide, the board of directors may fix a time not exceeding forty days preceding the date of any meeting of shareholders, or the date fixed for the payment of any dividend or distribution, or the date for the allotment of rights, or, subject to contract rights with respect thereto, the date when any change or conversion or exchange of shares shall be made or go into effect, as a record date for the determination of the shareholders entitled to notice of and to vote at any such meeting, or entitled to receive payment of any such dividend, or allotment of rights, or to exercise the rights in respect to any such change, conversion or exchange of shares, and in such case only shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting, or to receive payment of such dividend, or allotment rights or to exercise such rights, as the case may be, and notwithstanding any transfer of any shares on the books of the corporation after any record date fixed as aforesaid, the board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period.

II. If, by the articles of incorporation, voting power is granted to the holders of shares of a certain class or classes and denies to the holders of shares of other classes, then the person or persons exercising such power shall stand in a

fiduciary relation to the entire body of shareholders and shall be responsible to the corporation, for the benefit of all shareholders, for any violation of the obligations of such relationship.

III. In the election of directors, every shareholder of record shall have the right to multiply the number of votes to which he may be entitled under subdivision I of this section by the number of directors to be elected, and he may cast all such votes for one candidate or he may distribute them among any two or more candidates.

IV. Every shareholder shall have the right to cast his vote either in person or by proxy duly authorized in writing and filed with the secretary. Except as may be provided under subdivision V, of this section, a proxy unless coupled with an interest, shall be revokable at will, notwithstanding any other agreement or any provision in the proxy to the contrary. The validity of every unrevoked proxy shall cease eleven months after the date of its execution unless some other definite period of validity shall be expressly provided therein, but in no event shall a proxy, unless coupled with interest, be voted on after three years from the date of its execution.

The revocation of a proxy shall not be effective until notice thereof has been given to the secretary of the corporation.

V. A person whose shares are pledged shall be entitled to vote thereon until said shares have been transferred on the books of the corporation to the pledgee, and thereafter the pledgee shall be entitled to vote the same. A person or persons holding shares in a fiduciary capacity may vote the same in person or by proxy. Where shares are held jointly by three or more fiduciaries, the will of the majority of such fiduciaries shall control the manner of voting or the giving of a proxy, unless the instrument or order appointing such fiduciaries otherwise directs. Where, in any case, the fiduci-

aries are equally divided upon the manner of voting the shares jointly held by them, any court of competent jurisdiction may, upon petition filed by any of such fiduciaries, or by any beneficiary, appoint an additional person to act with such fiduciaries in determining the manner in which such shares shall be voted upon the particular questions as to which such fiduciaries are divided.

VI. A corporation owning shares in another corporation may vote the same by its president or by proxy appointed by him unless some other person, by resolution of its board of directors shall be appointed to vote such shares, in which case such person shall be entitled to vote upon the production of a certified copy of such resolution.

VII. Shares of a corporation belonging to said corporation shall not be voted nor counted in calculating the total voting power of all shareholders of such corporation at any given time.

§ 29. Voting Trusts.

I. Two or more shareholders of any domestic corporation may, pursuant to an agreement in writing, transfer their shares, to any person or persons, or to a corporation having authority to act as trustee, for the purpose of vesting in such person or persons, or corporation, as trustee or trustees, all voting or other rights pertaining to such shares for a period not exceeding ten years, and upon the terms and conditions stated in the agreement.

II. A duplicate copy of such agreement shall be filed in the registered office of the corporation and shall be open daily during business hours to the inspection of any shareholder or any depositor under said agreement, or the attorney of any shareholder or depositor.

III. Every other shareholder may transfer his shares to the same trustee or trustees upon the terms and conditions

stated in said agreement, and thereupon shall be bound by all the provisions of said agreement.

IV. The certificate of shares so transferred shall be surrendered and cancelled, and new certificates therefor issued to such person or persons, as such trustee or trustees, in which new certificates, it shall appear that they are issued pursuant to said agreement. In the entry of transfer on the books of the corporation it shall also be noted that the transfer is made pursuant to said agreement.

V. The trustee or trustees shall execute and deliver to the transferors voting trust certificates. Such voting trust certificates shall be transferable in the same manner and with the same effect as certificates of stock.

VI. The trustee or trustees shall possess all voting and other rights pertaining to the shares so transferred and registered in his or their names subject to the terms and conditions of, and for the period specified in said agreement.

VII. Unless otherwise provided in said agreement.

(a) the trustees may vote in person or by proxy.

(b) if there are two or more trustees, the manner of voting shall be determined as provided in Section 28, subdivision V;

(c) vacancies among the trustees shall be filled by the remaining trustees;

(d) a trustee shall incur no responsibility as trustee except for his own individual neglect or malfeasance.

§ 30. Quorum.

I. A shareholders' meeting duly called can be organized for the transaction of business whenever a quorum is present.

II. Except as otherwise provided in the articles of incorporation.

(a) The presence, in person or by proxy, of the holders of a majority of the voting power of all shareholders shall constitute a quorum;

(b) the shareholders present at a duly organized meeting can continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

(c) if a meeting cannot be organized because a quorum has not attended, those present may adjourn the meeting to such time and place as they may determine, subject, however, to the provisions of Section 27, subdivision III; but in case of any meeting called for the election of directors, those who attend the second of such adjourned meetings, although less than a quorum as fixed in this section or in the articles of incorporation, shall nevertheless constitute a quorum for the purpose of electing directors.

§ 31. Directors.

I. The business of every corporation shall be managed by a board of at least three directors, who need not be shareholders unless the articles of incorporation so require. A director shall hold office for the term for which he was named or elected and until his successor is elected and qualified.

II. The names and terms of office of the first directors shall be stated in the articles of incorporation. Except as provided in paragraph (b) of subdivision III of this section, directors and other than those constituting the first board, shall be elected by the shareholders.

III. The number, qualifications, terms of office, manner of election, time and place of meeting, and the powers and

duties of the directors may, subject to the provisions of this Act, be prescribed by the articles or by-laws. Except as otherwise prescribed in the articles or by-laws.

(a) a director shall be elected for a term of one year;

(b) vacancies in the board of directors shall be filled by the remaining members of the board, and each person so elected shall be a director until his successor is elected by the shareholders who may make such election at the next annual meeting of the shareholders, or at any special meeting duly called for that purpose and held prior thereto;

(c) the meetings of the board of directors may he held at such place, whether in this State or elsewhere, as a majority of the directors may from time to time appoint.

(d) a majority of the board of directors shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors.

(e) the board of directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution, shall have and exercise the authority of the board of directors in the management of the business of the corporation.

§ 32. Officers and Agents.

I. The board of directors shall elect a president, a secretary and a treasurer, and may elect one or more vice-presidents. No one of said officers, except the president, need be a director, but a vice-president who is not a director cannot succeed to or fill the office of the president. Any two of the offices of vice-president, secretary and treasurer may be combined in one person.

II. Such offices and agents as may be necessary for the business of the corporation may be appointed by the board of directors or in the manner provided in the by-laws.

III. All officers and agents shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation, subject to the control of the board of directors, as may be prescribed in the by-laws, or, in the absence of controlling provisions in the by-laws, as may be determined by the board of directors.

IV. Any officer or agent may be removed by the board of directors whenever in their judgment the best interest of the corporation will be served thereby, such removal, however, shall be without prejudice to the contract rights of the person so removed.

§ 33. Relation of Directors and Officers to Corporation.

Officers and directors shall be deemed to stand in a fiduciary relation to the corporation, and shall discharge the duties of their respective positions in good faith, and with that diligence, care and skill which ordinarily prudent men would exercise under similar circumstances in like positions.

§ 34. Agent Upon Whom Process May be Executed to be Located in State; Penalty.

All corporations except foreign insurance companies formed under the laws of this or any other State, and carrying on any business in this State, shall at all times have one or more known places of business in this State, and an authorized agent or agents thereat, upon whom process can be served; and it shall not be lawful for any corporation to carry on any business in this State, until it shall have filed in the office of the Secretary of State a statement, signed by its president or secretary, giving the location of its office or offices in this State, and the name or names of its agent or agents thereat, upon whom process can be served; and when

any change is made in the location of its office or offices, or in its agent or agents, it shall at once file with the Secretary of State a statement of such change; and the former agent shall remain agent for the purpose of service until statement of appointment of the new agent is filed; and if any corporation fails to comply with the requirements of this section, such corporation, and any agent or employee of such corporation, who shall transact, carry on or conduct any business in this State, for it, shall be severally guilty of a misdemeanor, and fined not less than one hundred nor more than one thousand dollars for each offense.

§ 35. Corporate Books and Records. Right of Shareholder to Inspect. Penalties for Violation of Section.

I. Every corporation shall keep at its registered office:

(a) records of the proceedings of the shareholders and of the directors, and

(b) except as provided in subdivision III of this section, a share register giving the names of the shareholders in alphabetical order, and showing their respective addresses, the number and classes of shares held by each, the dates on which they acquired the same.

II. Every corporation shall also keep appropriate and complete books of account.

III. A corporation may open share register in any State of the United States. It may employ an agent or agents to keep such register and to record transfers of shares therein in this or in other States, or both, and the acts of such agents shall be binding on the corporation. The duties and liabilities of such agent or agents shall be such as may be agreed to by the corporation. If a corporation is keeping a share register in some other State, or if a transfer agent has been appointed to act in this or some other State and is so acting, it shall be unnecessary for the corporation to keep a share register also

at its registered office as provided in paragraph (b) of subdivision I of this section.

IV. Every shareholder shall have a right to examine, in person or by agent or attorney, at any reasonable time or times, for any purpose, the share register, books of account and records of the proceedings of the shareholders and directors and to make extracts therefrom.

V. A corporation shall be liable to the State in a fine of five dollars for each day it neglects to keep any or all of the books or records as required by subdivision I and II of this section.

§ 36. Annual Reports. Penalty for Violation of Section.

I. The Secretary of State shall prescribe such regulations as to the form, contents and time for filing annual reports of corporations as he finds necessary to make available to shareholders, creditors and the investing public adequate information as to the financial condition of corporations. Such reports shall be open for inspection by such persons in accordance with the regulations of the Secretary of State.

II. Every corporation shall prepare, authenticate and file reports in accordance with the regulations of the Secretary of State, and any corporation which fails to prepare, authenticate and file a report in accordance with the provisions of this section shall be liable to the State in a fine not exceeding five dollars for each day during which the failure continues.

§ 37. Voluntary Transfer of Corporate Assets.

I. A voluntary sale, lease or exchange of all the assets of a corporation may be authorized by it upon such terms and conditions as it deems expedient, including an exchange for shares in another corporation, domestic or foreign.

II. If the corporation is able to meet its liabilities then

matured, such authorization shall be given at a meeting of shareholders, duly called for the purpose, and by such vote of the shareholders as may be provided for in the articles of incorporation, or, if there be no such specific provision, then by the vote of the holders of two-thirds of the voting power of all shareholders. If the corporation be unable to meet its liabilities then matured, such authorization may be given by the vote of the board of directors.

III. This section shall not be construed to authorize a conveyance or exchange of assets in fraud of corporate creditors or of minority shareholders or shareholders without voting rights, or in violation of the statutory provisions relating to the transfer of goods in bulk.

§ 38. Amendments of Articles of Incorporation.

I. A corporation may, at a meeting of the shareholders duly called upon notice of the specific purpose, and in the manner herein provided, amend its articles in any respect so as to include any provision authorized by this Act, or so as to extend the period of its duration for a further definite time or perpetually.

II. An amendment changing the name of the corporation may be adopted by the vote of the holders of a majority of the voting power of all shareholders, or by such vote as the articles of incorporation require.

III. An amendment altering the articles of incorporation in any other respect may be adopted by vote of the holders of two-thirds of the voting power of all shareholders, or by such vote as the articles of incorporation require.

IV. If an amendment would make any change in the rights of the holders of shares of any class, or would authorize shares with preferences in any respect superior to those of outstanding shares of any class then the holders of each class of shares so affected by the amendment shall be entitled to

vote as a class upon such amendment, whether by the terms of the articles of incorporation such class be entitled to vote or not, and, in addition to the vote required by subdivision III of this section, the vote of the holders of two-thirds of the shares of each class so affected by the amendment shall be necessary to the adoption thereof.

V. Any amendment which might be adopted at a meeting of shareholders as provided in this section, may be adopted without such a meeting being held if written consent to the amendment has been given by all shareholders entitled to vote thereon as provided in this section.

§ 39. Articles of Amendment: Contents, Subscription, Filing and Recording.

After an amendment has been adopted, Articles of Amendment shall be prepared, setting forth the amendment and the adoption thereof, and shall be signed and acknowledged by the president or vice-president, and the treasurer or secretary and a majority of the board of directors. They shall be filed and treated as original Articles of Incorporation are provided for herein.

§ 40. Provisions Relating to Certain Amendments.

I. If the total number of shares is to be increased or decreased the articles of amendment shall also state:

(a) The total number of shares, including those previously authorized, which the corporation will thenceforth be authorized to have;

(b) The number of shares that have a par value and the par value thereof, and the number of shares that have no par value, and

(c) If shares are divided into more than one class, a description of the classes, and a statement of the number of

shares in such class and of the relative rights, voting power, preferences and restrictions granted to or imposed upon the shares of each class.

II. If shares having a par value are to be changed into an equal or different number of shares having no par value, then the amount of the consideration for which shares having no par value are allotted to take the place of outstanding shares having a par value shall be deemed to be the amount of the aggregate par value of such outstanding shares, or, if the actual value of such shares be less than their par value, the consideration may be stated in the articles of amendment to be their actual value.

III. If shares having no par value are to be changed into an equal or different number of shares having a par value, the shares having a par value which are allotted to take the place of outstanding shares having no par value shall be taken to be fully paid for, but the aggregate par value of such shares shall not exceed the actual value of the assets of the corporation, less its liabilities, represented by the shares having no par value so exchanged.

IV. If shares having no par value are to be changed into a different number of the same class or of any other class or classes of shares having no par value, the corporation shall be deemed to have received for such new shares as represent or take the place of such outstanding shares the amount of the capital of the corporation represented by the outstanding shares so changed.

§ 41. Reduction of Capital Stock.

I. The capital stock of a corporation may be reduced by a resolution adopted by the vote of the holders of two-thirds of the voting power of all shareholders, cast in person or by proxy at a meeting of the shareholders duly called and held for that purpose or by such vote as the articles of incorporation require.

II. Following the adoption of such a resolution for the reduction of capital stock, articles of reduction of capital stock shall be prepared and filed in the manner required by Section 39 for the preparation and filing of articles of amendment. The articles of reduction shall also state the financial condition of the corporation and that the proposed reduction will not reduce the fair value of the assets of the corporation to an amount less than the total amount of its debts and liabilities plus the amount of its capital stock as so reduced.

III. No attempted reduction of capital stock shall be effective until the Secretary of State has filed the articles of reduction and issued a certificate of reduction, and no such attempted reduction shall be valid, even if the Secretary of State has filed the articles of reduction and issued a certificate of reduction, if such reduction would reduce the actual value of the corporate assets to an extent prohibited by subdivision II of this section.

§ 42. Rights of a Shareholder Not Assenting to Certain Corporate Action.

I. If a corporation has authorized the sale, lease or exchange of all its assets, in accordance with the provisions of Section 37, at a time when it is able to meet its liabilities then matured, or has, in accordance with the provisions of Sections 38, 39, or 40, authorized an amendment which changes the corporate purposes, extends the duration of the corporation or changes the rights of the holders of any outstanding shares, a shareholder who did not vote in favor of such corporate action may, within twenty days after the date upon which such action was authorized, object thereto in writing and demand payment for his shares.

II. If, after such a demand by a shareholder, the corporation and the shareholder cannot agree upon the value of the shares at the time such corporate action was authorized, such value shall be ascertained by three disinterested persons, one of whom shall be named by the shareholder, another by

the corporation and the third by the two thus chosen. The finding of the appraisers shall be final, and if their award is not paid by the corporation within thirty days after it is made, it may be recovered in an action by the shareholder against the corporation. Upon payment by the corporation to the shareholder of the agreed or awarded price of his shares, the shareholder shall forthwith transfer and assign the shares held by him at, and in accordance with, the request of the corporation.

III. A shareholder shall not be entitled to payment for his shares under the provisions of this section unless the value of the corporate assets which would remain after such payment would be at least equal to the aggregate amount of its debts and liabilities exclusive of capital stock.

§ 43. Merger and Consolidation. Authorized.

I. Any two or more domestic corporations, formed for any purpose for which a corporation might be formed under this Act, and any domestic corporations and any foreign corporations with authority to carry on any business for the conduct of which a corporation might be organized under this Act, may be

(a) merged into one of such domestic corporations, or

(b) consolidated into a new corporation to be formed under this Act, provided such foreign corporations are authorized by the law or laws of the government under which they were formed to effect such merger or consolidation.

II. Any such domestic corporations and any such foreign corporations may be.

(a) merged into one of such foreign corporations, or

(b) consolidated into a new corporation to be formed under the law or laws of the government under which one of such foreign corporations was formed.

Provided the laws of such foreign government authorize such merger or consolidation.

§ 44. Merger or Consolidation: Joint Agreement For:

The merger or consolidation of corporations can be effected only as a result of a joint agreement entered into and filed as follows:

I. The board of directors of each of such corporations as desire to consolidate may, by majority vote, enter into a joint agreement signed by such directors and prescribing the terms and conditions of merger or consolidation, the mode of carrying the same into effect, with such other details and provisions as are deemed necessary.

II. The agreement shall be submitted to the shareholders of each of said merging or consolidating corporations, at a meeting thereof, duly called separately in the manner provided in Section 27, for calling shareholders' meetings, and if, at such meetings the holders of two-thirds of the voting power of all shareholders of each corporation shall vote for the adoption of said agreement, then that fact shall be certified on said agreement by the secretary of each corporation, and the agreement so adopted and certified shall be signed by the president and secretary of each of said corporations and acknowledged by the president of each of such corporations.

III. The agreement so adopted, certified and acknowledged, shall be acknowledged and recorded as Articles of Incorporation as required to be by the provisions of this Act.

§ 45. Consolidation: Articles of Incorporation For.

I. If the joint agreement is for a consolidation into a new corporation to be formed under this Act, articles of incorporation for such new corporation shall be acknowledged and recorded as herein provided for articles of incorporation, together with the agreement as provided in the last preceding section.

II. Such articles shall be prepared in the manner and form prescribed in Section 3, except that

(a) the corporations consolidating shall be named as the incorporators of the new corporation;

(b) the articles shall be signed by the president, vice-president and secretary or assistant secretary of each of said corporations, and acknowledged by the officers so signing the articles:

(c) in lieu of the matter required by subdivisions (f) and (h) of subdivision I of Section 3, such articles shall state the manner of converting the shares of each of the consolidating corporations into the shares or obligations of the new corporation.

III. Such articles of incorporation shall be filed and recorded, and a certificate of incorporation issued as provided in paragraphs I and III of Section 5.

§ 46. When Merger or Consolidation Effective.

I. A merger of one or more corporations into a domestic corporation shall be effective when the joint agreement has been filed in the office of the Secretary of State.

II. A consolidation of corporations into a domestic corporation shall be effective when the joint agreement has been filed in the office of the Secretary of State and when a certificate of incorporation of the new corporation has been issued by the Secretary of State.

III. A merger or consolidation of one or more domestic corporations into a foreign corporation shall be effective according to the provisions of law of the jurisdiction in which such foreign corporation was formed, but not until the joint agreement has been adopted, certified and acknowledged, and copies thereof filed in accordance with Section 44.

§ 47. Effect of Merger or Consolidation.

Upon the consummation of the merger or consolidation as provided in the last preceding section, the effect of such merger or consolidation shall be:

I. That the several parties to the joint agreement shall be one corporation, which shall be

(a) In the case of merger, that one of the constituent corporations into which it has been agreed the others shall be merged and which shall survive the merger for that purpose, or

(b) In the case of consolidation, the new corporation into which it has been agreed the others shall be consolidated.

II. The separate existence of the constituent corporations shall cease, except that of the surviving corporation in the case of merger.

III. The surviving or new corporation, as the case may be, shall possess all the rights, privileges and franchises possessed by each of the former corporations so merged or consolidated except that such surviving or new corporation shall not thereby acquire authority to engage in any business or exercise any right with a corporation that may not be formed under this Act to engage in or exercise.

IV. All the property, real, personal and mixed, of each of the constituent corporations, and all debts due on whatever account to any of them, including subscriptions for shares and other choses in action belonging to any of them, shall be taken and be deemed to be transferred to and invested in such surviving or new corporation, as the case may be, without further act or deed.

V. The surviving or new corporation shall be responsible for all the liabilities and obligations of each of the corpora-

tions merged or consolidated, in the same manner as if such surviving or new corporation had itself incurred such liabilities or obligations; but the liabilities of such constituent corporations or of their shareholders, directors or officers shall not be affected, nor shall the rights of the creditors thereof or of any persons dealing with such corporations be impaired by such merger or consolidation, and any claim existing or action or proceeding pending by or against any of such constituent corporations may be prosecuted to judgment as if such merger or consolidation had not taken place, or the surviving or new corporation may be proceeded against or substituted in its place.

§ 48. Rights of Dissenting Shareholders.

When a corporation has become a party to a merger or consolidation agreement, as hereinbefore provided, any shareholder of such a corporation who did not vote in favor of such merger or consolidation at the meeting at which the merger or consolidation was authorized, may, at any time within twenty days after such authorization was given, object thereto in writing and demand payment for his shares and have the value of his shares appraised as provided in Section 42, all of the provisions of which section shall in all respects be applicable. The liability of such corporation to such dissenting shareholder for the value of his shares so agreed upon or awarded shall also be a liability of the surviving or new corporation, as the case may be.

§ 49. Proceedings for Dissolution Either Voluntary or Involuntary.

I. A corporation may be wound up and dissolved either voluntarily or involuntarily.

II. If the proceedings are voluntary, they may be conducted either out of court or subject to the supervision of the court.

III. If the proceedings are involuntary, they must be subject to the supervision of the court.

§ 50. Voluntary Proceedings for Dissolution.

I. Voluntary proceedings for dissolution may be instituted whenever a resolution therefor is adopted by the holders of at least two-thirds of the voting power of all shareholders at a shareholders' meeting duly called for the purpose.

II. The resolution may provide that the affairs of the corporation shall be wound up out of court, in which case the resolution must designate a trustee or trustees to conduct the winding up, but such appointment shall not be operative until

(a) Duplicate copies of such resolution have been signed and acknowledged by a majority of the directors or by shareholders holding a majority of the voting power of all shareholders, and

(b) One of such copies has been filed for record in the office of the Secretary of State and the other copy in the office of the Recorder of Deeds of the county in which the corporation has its registered office.

III. The resolution may provide that the affairs of the corporation shall be wound up under the supervision of the court, in which case the resolution shall authorize certain directors or shareholders to sign and present a petition to the court praying that the corporation be wound up and dissolved under the supervision of the court.

IV. Where a corporation is being wound up and dissolved out of court, the trustee or trustees appointed by the shareholders, or a majority of them, may by petition apply to the court to have the proceedings continued under the supervision of the court, and thereafter the proceedings shall

continue as if originally instituted subject to the supervision of the court.

§ 51. Grounds for Involuntary Proceedings for Dissolution.

The court may, upon petition being filed, entertain proceedings for the involuntary dissolution of a corporation when it is made to appear

(a) That the corporate assets are insufficient to pay all just demands for which the corporation is liable or to afford reasonable security to those who may deal with it; or

(b) That the objects of the corporation have wholly failed, or are entirely abandoned or their accomplishment is impracticable; or

(c) That it is beneficial to the interests of the shareholders that the corporation should be wound up and dissolved; or

(d) That the numbers of directors is even and they are equally divided respecting the management of the corporate affairs, and, when the voting power of all shareholders is equally divided into two independent ownerships or interests, that one-half thereof favor the course of part of the directors and one-half favor the course of the other directors, or the holders of such equal parts of the voting power are unable to agree on the election of the board of directors consisting of an uneven number.

§ 52. Who may Institute Involuntary Proceedings.

I. A petition for involuntary proceedings for dissolution may be filed by either

(a) A shareholder, or

(b) A creditor whose claim has either been reduced to judgment or is admitted by the corporation.

II. The commencement of a proceedings for dissolution out of court shall not affect the right of any person to institute involuntary proceedings for dissolution.

§ 53. Winding up in Proceedings Out of Court.

I. The trustee or trustees appointed by the shareholders to conduct a winding up out of court shall, as speedily as possible after his or their appointment has become operative as provided in Section 50, proceed

(a) To collect all sums due or owing to the corporation.

(b) To sell and convert into cash any and all corporate assets.

(c) To collect the whole, or so much as may be necessary or just, of any amounts remaining unpaid on subscriptions to shares, and

(d) Out of the sums so realized, to pay all debts and liabilities of the corporation according to their respective priorities.

II. Any surplus remaining after paying off all debts and liabilities of the corporation shall be paid by the trustee or trustees to the shareholders according to their respective rights and preferences.

III. Nothing in this Section shall interfere with a reorganization pursuant to provisions hereinafter contained in this Act.

§ 54. Appointment of Receivers.

I. The court may appoint a liquidating receiver or receivers:

(a) Upon the filing of a petition by a corporation for voluntary proceedings for dissolution; or

(b) Upon the petition of a trustee or trustees appointed by the shareholders as provided in Subdivision IV of Section 50; or

(c) Upon the filing of a petition for involuntary proceedings for dissolution, but only after process has issued against the corporation and any other defendants named in the petition and after the filing of answers admitting the allegations of the petition, or after proof of such allegations if the same are not admitted.

II. The court shall, upon the filing of any such petition, have the ordinary powers of a court of equity to appoint a receiver or receivers pendente lite when necessary to the ends of justice, but the authority of any such temporary receiver or receivers shall cease upon the appointment and qualification of a liquidating receiver or receivers.

§ 55. Qualifications and Duties of Receivers.

I. The receiver or receivers, appointed as provided in the last preceding section, shall, after giving such bond as the court may require for the faithful performance of his or their duties, proceed with the liquidation of the affairs of the corporation in such manner as the court shall direct.

II. Trustees or receivers in dissolution proceedings shall have full authority to compromise, compound and settle claims by or against the corporation upon such terms as they shall deem best; but if the proceeding is subject to the supervision of the court, no such compromise, composition or settlement shall be valid unless approved by the court.

III. Such trustees or receivers may summon meetings of the shareholders in the manner the directors might have done,

or, if the proceedings is subject to the supervision of the court, in such manner as the court may direct.

§ 56. Filling vacancy in the Office of Trustee.

A vacancy occurring by death, resignation or otherwise in the office of trustee when the proceeding is not subject to the supervision of the court, may be filled by resolution adopted by the holders of a majority of the voting power represented at a meeting duly called for the purpose by the surviving or remaining trustee or trustees, if any, and if none, then at a shareholders' meeting duly called by the directors.

§ 57. Time and Effect of Commencement of Proceedings for Dissolution.

I. A proceeding for dissolution shall be deemed to commence:

(a) At the time of the passage of the resolution therefor, if the proceeding is out of court.

(b) At the time of the filing of the petition therefor, if the proceeding is subject to the supervision of the court.

II. When a proceeding for dissolution has commenced:

(a) The authority and duties of the directors and officers of the corporation shall cease, except insofar as may be necessary to preserve the corporate assets, or insofar as they may be continued by the trustee or receiver or as may be necessary for the calling of meetings of shareholders.

(b) Any transfer of shares or alteration in the status of shareholders shall be:

I. Void, if the proceedings is out of court, or

II. Void, except insofar as the court may otherwise

order, if the proceeding is subject to the supervision of the court.

§ 58. Certain Rules in Bankruptcy Proceedings Applicable to proceedings for Dissolution. In a proceeding for dissolution subject to the supervision of the court, the following matters shall be governed by the same rule as are applicable in bankruptcy proceedings under the National Bankruptcy Act as in force at the time of the dissolution proceedings:

(a) All questions in respect to proof, allowance, payment and priority of payment of claims.

(b) All questions in respect to the effect of any preference of corporate creditors secured through a transfer of property or through legal proceedings.

§ 59. Compromise Arrangements; Reorganizations; Approval and Effect:

I. When a compromise of arrangement is proposed between a corporation and its creditors or any class of them, or between the corporation and its shareholders or any class of them, or between the corporation and both creditors and shareholders or any class of them, the court may, upon the application in a summary way of the corporation or of any creditor or shareholder or of a liquidating trustee or receiver of the corporation, order a meeting of the creditors or class of creditors, or of the shareholders or class of shareholders, as the case may be, to be summoned in such manner as the court may direct.

II. If the majority in number representing three-fourths in value of the creditors or class of creditors, or if the shareholders or class of shareholders holding three-fourths of the voting power of all shareholders or of the class of shareholders, as the case may be, agree to any compromise or arrangement or to a reorganization of the corporation as a consequence of such compromise or arrangement, the said com-

promise or arrangement and the said reorganization shall, if sanctioned by the court, be binding on all the creditors or class of creditors, and on all the shareholders or class of shareholders, as the case may be, and also on the corporation and it liquidating trustee or receiver, if any.

§ 60. Order or Certificate of Dissolution; Filing Same.

I. When a corporation has been completely wound up, the court, if the proceeding is subject to the supervision of the court, shall make an order declaring the corporation to be dissolved; and if the proceeding is out of court, the trustee or trustees shall sign and acknowledge a certificate stating that the corporation has been completely wound up and is dissolved.

II. Said order or certificate of dissolution shall be delivered to the Secretary of State who shall file the same in his office and thereupon the corporate existence shall terminate.

III. A duplicate copy of said order or certificate of dissolution shall be filed for record in the office of the county clerk of the county in which the corporation had its last registered office.

IV. Any assets inadvertently or otherwise omitted from the winding up shall vest in the trustee or trustees, or receiver or receivers, for the benefit of the persons who would have been entitled if they had been in his hands before the dissolution of the corporation, and shall be distributed accordingly.

§ 61. Action to Annul, Vacate or Forfeit Corporate Franchise.

I. The Attorney General may bring an action against any corporation to procure a judgment annulling, vacating or forfeiting, as the case may be, its articles of incorporation and franchise upon the ground that

(a) The corporate franchise was procured through fraud practices upon the State; or

(b) The corporation has offended against any provision of an Act by or under which it was formed, altered or renewed, or an Act amending the same and applicable to the corporation; or

(c) The corporation has violated any provision of law whereby it has forfeited its franchise; or

(d) The corporation has exercised authority not conferred upon it, or abused authority conferred upon it; or

(e) The corporation has done or omitted any act which amounts to a surrender of its corporate franchise, has failed or discontinued to exercise its corporate privileges or has abandoned the corporate enterprise.

II. In any such action, the court may grant the relief asked for, or such other or partial relief as to it seems just and expedient.

§ 62. Application to Existing Corporations. Except where otherwise expressly stated herein, this Act shall be applicable to any existing corporation formed under the laws of this State for a purpose or purposes for which a corporation might be formed under this Act.

§ 63. Repeal. All Acts or parts of Acts inconsistent herewith are hereby repealed, except as set out in Section 2 hereof.

§ 64. Saving Clause. This Act shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, of liability, penalty, forfeiture or punishment incurred prior to the time this Act takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this Act had not been passed.

§ 65. Constitutionality. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

§ 66. Monopolies and Restraint of Trade. Nothing in this Act shall be interpreted to authorize a corporation to do any act in violation of the common law or the statutes of this States or of the United States with respect to monopolies and legal restraint of trade.

§ 67. Interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

§ 68. Time of Taking Effect. This Act shall take effect as set out in Section 55 of Constitution of the Commonwealth of Kentucky.

§ 69. Name of Act. This Act may be cited as the Uniform Business Corporation Act.

By Senator Edge.

S. B. 328. An Act to repeal and re-enact Section 4356r of Kentucky Statutes, Carroll's 1930 Edition, relating to county road overseers.

To Committee on Drains and Ditches.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4356r of Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed and in lieu thereof that there be and is hereby enacted the following:

The duties of overseers shall be as follows: In counties where the roads are worked by hands, allotted as hereinbefore

provided, the overseers shall have charge of the roads and bridges in their respective precincts. Said overseers shall construct bridges, work the roads in the manner directed by the fiscal court, shall summon the hands to work the roads in their precincts, superintend and direct said work, and keep the roads and bridges thereon free of obstructions and in good condition for travel, and may employ the necessary wagons, plows, scrapers, team and such additional implements as may be needed to work said roads, provided that no bridge construction nor road work, nor labor, nor teams, nor tools, which shall require the expenditure of money, shall be done or undertaken or employed by said overseers unless previous written authority, authorizing them to do so and fixing the amount they may expend for said purposes, shall first be obtained from the magistrate of the magisterial district wherein the proposed bridge construction or road work is to be done. The respective counties of the Commonwealth shall not be liable for any indebtedness or expenditures in excess of that authorized as aforesaid and shall not be liable for any indebtedness contracted or created or agreed to by any overseer when done in violation of this section.

Said overseers shall report to the nearest justice of the peace or to the county judge any failure or refusal of any of the hands on their roads to appear and do good work in obedience to their summons, and the number and length of time of such failure, and they shall also report promptly to the county judge any damage, injury or obstruction caused by any one to said roads or bridges thereon. And when the fiscal court has provided for paying hands for working on the roads, it shall be the duty of the overseers to report to the fiscal court the number of hands and the time worked by each who have worked on the roads of their respective precincts, and to furnish to each hand a certificate of the time so worked by him.

§ 2. Whereas at present county road overseers have the unlimited authority to create indebtedness against the counties of this Commonwealth incident to road work and bridge con-

struction; and whereas the Fiscal courts of the counties of the State have no discretion in paying the indebtedness so created an unwarranted amount of indebtedness against the overseer system in the various counties of Kentucky has crated an unwarranted amount of indebtedness against the counties of the State of Kentucky, an emergency is hereby declared to exist and this law shall become effective immediately upon its passage and approval by the Governor.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Edge.

S. B. 329. An Act to repeal and re-enact Section 1845 of Kentucky Statutes, Carroll's 1930 Edition, relating to compensation of members of Fiscal Courts.

To Committee on Drains and Ditches.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1845, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed and in lieu thereof that there be and is hereby enacted the following:

The members of the court, except the county judge, shall be entitled to $6.00 per day for each day they are engaged in holding Fiscal Court, and also for each day they are engaged in actual attendance at the meeting of said court, said compensation to be allowed by said court and paid out of the county levy; provided, that no compensation shall be allowed the members of said court for attendance at the meetings of the committees thereof, except in those counties wherein the county roads are worked and maintained in the manner pro-

vided and authorized by Sections 4356o, 4356p and 4356q, Kentucky Statutes, Carroll's 1930 Edition.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Moss.

S. B. 330. An Act to amend Chapter 203 of the Acts of the General Assembly of 1926, which is under Section 4356-17-2 of Carroll's 1930 Kentucky Statutes, relating to roads and highways, and establishing and creating road project No. 144.

To Committee on Roads and Highways.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 203 of the Acts of the General Assembly of 1926, creating a road project which is now designated as project No. 144 in the Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby amended and re-enacted so that, when amended and re-enacted, the same shall read as follows:

There shall be added to the present primary system of State highways, as adopted in nineteen hundred and twenty and amended in nineteen hundred and twenty-two and nineteen hundred and twenty-four, the following road project: From London, Laurel County, Kentucky, via Boreing, Tuttle, Knox Fork, to Bailey's Switch in Knox County, Kentucky. Same being a part of the original route traveled by Daniel Boone in his journey from North Carolina through Eastern Kentucky to Boonesboro, Kentucky.

By Senator Brock.

S. B. 331. An Act to raise revenue for the purchase of free text books; providing for a stamp tax on manufactured tobacco products and cigarette papers; setting up a special fund known as the free text book fund; providing that any money left in the free textbook fund at the beginning of the calendar year in excess of five hundred thousand dollars, shall revert to the common school fund; designating how the fund derived from such taxes shall be expended, and providing penalties for the violation of the provisions of this Act.

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on and after the passage of this Act there shall be levied and collected a stamp tax on manufactured tobacco products as follows:

§ 2. (a) That the Kentucky State Tax Commission shall cause to be prepared and distributed for the payment of the taxes prescribed in this Act suitable stamps denoting the tax on the article or commodity to which same may be affixed, and shall prescribe such method for the affixing of such stamps in substitution for or in addition to the method provided in this Act as it may deem expedient. (b) The State Tax Commission shall prescribe and publish such rules and regulations as may be necessary for the purpose of collecting stamp taxes omitted through mistake or fraud from any article or commodity named herein.

§ 3. The State Tax Commission of the Commonwealth of Kentucky shall administer and enforce the tax imposed by this Act. It shall have power to enter upon the premises of any taxpayer and examine, or cause to be examined, by any

agent or representative designated by it for that purpose, any books, papers, records or memoranda bearing upon the amount of stamp tax payable, and to secure other information directly or indirectly concerned in the enforcement of this Act. County officers designated by the State Tax Commission shall assist in the administration of this Act by distributing regulations, giving information, selling stamps, reporting violations of this Act, and in other ways not inconsistent with their respective officers to the extent and in the manner required by the regulations of the State Tax Commission.

§ 4. Any person, firm or corporation subject to this tax engaging in or permitting such practices as are prohibited by regulations of the State Tax Commission, or in any other practices which makes it difficult to enforce this Act by inspection, or any person, firm or corporation, agent or officer thereof who shall, upon demand of any officer or agent of the State Tax Commission, refuse to allow full inspection of premises, or any part thereof, or who shall hinder or in any wise delay or prevent such inspection when demand is made therefor, shall be deemed guilty of a misdemeanor and shall upon conviction be fined not more than Two Hundred Dollars for each offense, or imprisoned for a period not exceeding sixty days, or both, in the discretion of the court.

§ 5. There shall be levied, assessed, collected and paid in respect to the articles containing tobacco and cigarette paper enumerated in this section, the following amounts:

(1) Little Cigars.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, one cent for each ten cigars, or fraction thereof.

(2) Cheroots, Stogies, Etc.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, retailing for three cents each, or less, three dollars per thousand.

(3) Cigars.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, retailing for over three cents each, ten dollars per thousand.

For the purpose of computing the tax, cheroots, stogies, etc., are hereby classed as cigars.

(4) Cigarettes.—Upon all cigarettes made of tobacco or any substitutes therefor: upon each package retailing for five cents, or less, one cent; upon each package retailing for more than five cents each an additional one cent for each five cents or fractional part thereof of the retail selling price in excess of five cents;

(5) Cigarette Papers.—Upon each carton of cigarette papers twenty per cent of the retail price of same.

(6) Snuff—Upon snuff, one cent for each three ounces or fractional part thereof;

(7) Smoking Tobacco.—Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette: upon each package retailing for five cents, or less, one cent; upon each package retailing for more than five cents each an additional one cent for each five cents or fractional part thereof of the retail selling price in excess of five cents.

(a) Whenever in this Section reference is made to manufactured tobacco products manufactured or imported to sell at a certain price, as the basis for computing the tax, it is intended to mean the ordinary, customary or usual price paid by the consumer for each individual cigar, package of cigarettes or cigarette papers, package of smoking tobacco, etc.

(b) When the retail or selling price is referred to in this Act as the basis for computing the amount of stamps required

on any article, it is intended to mean the retail or selling price of the article before adding the amount of the tax.

(c) When any articles or commodities subject to tax in this Act are given as prizes on punch boards, shooting galleries, etc., the tax shall be based on the ordinary selling price of such articles.

§ 6. Method and Time of Affixing Stamps.—The license taxes imposed by this Section shall be paid by affixing stamps in the manner and at the time herein set forth. In the case of cigars, stogies, cheroots, and chewing tobacco, the stamps shall be affixed to the box, or container, in which or from which normally sold at retail: Provided, That wholesalers and jobbers shall affix the required stamps within seventy-two hours after such tobacco products are received by them; Provided, further, that any retailer shall have twenty-four hours within which to affix the stamps after such tobacco products are received by him, or them; Provided, however, in the event any such tobacco products are manufactured within the Commonwealth of Kentucky, they shall be stamped by the manufacturer when and as sold; Provided, however, that the State Tax Commission may, in its discretion, where it is practical and reasonable for the enforcement of the collection of taxes provided hereunder, promulgate such rules and regulations as to permit cigars, stogies and cheroots to remain unstamped in the hands of wholesalers and jobbers until the original case or crate is broken, unpacked or sold.

In the case of cigarettes and cigarette papers, snuff, smoking tobacco and chewing tobacco wrapped in packages of two pounds or less, the stamps shall be affixed to each individual package by wholesalers and jobbers within seventy-two hours after such products are received by them and by any retailer within twenty-four hours of receipt by him or them of any such products; Provided, that such goods must be stamped before being sold; Provided, further, that in the event any manufactured tobacco products are manufactured within the Commonwealth of Kentucky, they shall be stamped

by the manufacturer when and as sold; Provided, however, that all retail dealers in manufactured tobacco products and cigarette papers purchasing or receiving such commodities from without the Commonwealth, whether the same shall have been ordered through a wholesaler or jobber in this Commonwealth and/or by drop shipment and/or otherwise, shall within five days after receipt of the same mail a duplicate invoice of all such purchases or receipts to the Kentucky State Tax Commission, Frankfort, Kentucky. Failure to furnish duplicate invoices as required shall be deemed a misdemeanor; and, upon conviction, be punishable, by a fine of not more than One Hundred Dollars for each offense, or imprisonment for a period not exceeding thirty days.

It is the intent and purpose of this Section to require all manufacturers within this Commonwealth, wholesale dealers, jobbers, distributors and retail dealers, to affix the stamps provided for in this Section to taxable commodities, but when the stamps have been affixed as required herein, no further tax or stamp shall be required under the provisions of this Act regardless of how often such articles may be sold or resold within this Commonwealth.

§ 7. Commodities Subject to Confiscation.—Any cigarettes, cigarette papers, snuff, smoking tobacco or chewing tobacco, cigars, stogies or cheroots, found at any point within the Commonwealth of Kentucky, which said cigarettes, cigarette papers, snuff, smoking tobacco or chewing tobacco, cigars, stogies, or cheroots, shall have been within the Commonwealth of Kentucky for a period of twenty-four hours, or longer, in possession of any retailer, or for a period of seventy-two hours or longer in possession of any wholesaler or jobber not having affixed to the package as above defined the stamps, as above provided, the same is hereby declared to be contraband goods and the the same may be seized by the State Tax Commission of Kentucky, or its employees, and/or by any peace officer of the Commonwealth of Kentucky, without a warrant, and such goods shall be delivered to the State Tax Commission for sale at public auction to the higest bidder after due advertisement, but the State Tax Commission of

Kentucky before delivering any of such goods so seized shall require the purchaser to affix the proper amount of stamps to the individual packages as above defined. The proceeds of sale for any goods sold hereunder shall be turned over to the State Treasurer by the State Tax Commission of Kentucky as other funds collected by said Commission; Provided, that the cost of confiscation and sale shall be paid out of the proceeds derived from such sale before making remittance to the State Treasurer; Provided, further, that the time limits of twenty-four hours or seventy-two hours for affixing said stamps shall not apply to any person who, within said time limits, shall offer for sale, either at wholesale or retail, any of the goods, wares or merchandise herein enumerated, and all such goods, wares or merchandise when offered for sale, either at wholesale or retail without the stamps having been first affixed, shall be subject to confiscation as hereinabove provided; Provided, further, that any vehicle, not a common carrier which may be used for the transportation for the purpose of sale of unstamped articles as hereinabove enumerated shall likewise be subject to confiscation and sale in the same manner as above provided for unstamped goods, wares or merchandise.

§ 8. Procedure When Goods are Confiscated.—In all cases of seizure of any goods, wares, merchandise, or other property hereafter made as being subject to forfeiture under provisions of this Act which in the opinion of the officer, or person making the seizure, are of the appraised value of twenty-five dollars, or more, the said officer or person shall proceed as follows:

First. He shall cause a list containing a particular description of the goods, wares, merchandise, or other property seized to be prepared in duplicate and an appraisement thereof to be made by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of the Commonwealth of Kentucky, residing within the county wherein the seizure was made. Such list and appraisement shall be properly attested by such officer, or person, and such appraisers, for which service each of such appraisers shall be allowed the sum of One Dollar per day, not exceeding two

days, to be paid by the State Tax Commission out of any revenue received by it from the sale of the confiscated goods or the compromise which may be effected.

Second. If such goods are believed by the officer making the seizure to be of less value than twenty-five dollars, no appraisement shall be made. Such officer, or person, shall proceed to publish a notice for three weeks, in writing, at three places in the County where the seizure was made, describing the articles and stating the time and place and cause of their seizure and requiring any person claiming them to appear and make such claim in writing within thirty days from the date of the first publication of such notice.

Third. Any person claiming such goods, wares or merchandise, or other property, so seized as contraband within the time specified in the notice may file with the State Tax Commission a claim in writing, stating his interests in the articles seized, and may execute a bond to the State Tax Commission in a penal sum equal to double the value of such goods so seized, but in no case shall such bond be less than the sum of One Hundred Dollars, with sureties to be approved by the Clerk of the Court of the County in which the goods are seized, conditioned that in the case of condemnation of the articles so seized, the obligors shall pay to the State Tax Commission of Kentucky the full value of the goods so seized and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the State Tax Commission, it shall transmit the same with the duplicate list or description of the goods seized to the Commonwealth's Attorney of the District in which such seizure was made, and said Commonwealth's Attorney shall prosecute the case to secure the forfeiture of such goods, wares, merchandise, or other property, in the court having jurisdiction. Upon the filing of the bond aforesaid, such goods shall be delivered to the claimant pending the outcome of such case.

Fourth. If no claim is interposed and no bond given within the above specified time, such goods, wares, merchan-

dise or other property shall be forfeited without further proceedings and the same shall be sold as herein provided. And the proceeds of the sale when received by the State Tax Commission shall be turned in to the State Treasury as other revenues are required by law to be turned in: Provided, that in seizures in quantities of less value than Twenty-Five Dollars, the same may be advertised with other quantities at Frankfort, by the State Tax Commission, and disposed of as hereinabove provided.

The proceedings against goods, wares, merchandise or other property, contrary to the provisions of the Act shall be considered a proceeding *in rem* unless otherwise herein provided.

§ 9. State Tax Commission May Compromise Confiscation. The State Tax Commission may in its discretion return any goods confiscated under this Act, or any part thereof, when it is shown that there was no intention to violate the provisions of this Act: Provided, when any goods, wares, or merchandise are confiscated under the provisions of this Act, the State Tax Commission may, in its discretion, return such goods to the parties from whom they were confiscated, if, and when, such parties shall pay to the State Tax Commission, or its duly authorized representative, an amount equal to the assessed value of the goods confiscated, and in such cases no advertisement shall be made or notices posted in connection with such confiscation.

§ 10. The State Tax Commission may promulgate rules and regulations governing the stamping of any articles or commodities enumerated herein handled by persons, firms or corporations operating on inter-state common carriers.

§ 11. Cancellation of Stamps.—Whenever any adhesive stamp is used for denoting any tax imposed by this Act on chewing or smoking tobacco, snuff, cigarettes or cigarette papers, packed in packages of two pounds, or more, or upon cigars, stogies or cheroots packed in boxes of twenty cigars,

stogies or cheroots, or more, as heretofore provided, the person using or affixing the same shall cancel such stamps with a rubber stamp bearing his or its firm name, a part of such rubber stamp to be placed on the revenue stamp and a part on the package, so that such stamp may not again be used. That whoever makes use of any adhesive stamp to denote the payment of any tax on such articles or commodities as outlined above without canceling the stamps as above provided, shall be subject to a penalty of not exceeding One Hundred Dollars to be assessed and collected by the State Tax Commission as other penalties are collected.

§ 12. (a) Enforcement by Inspection; Penalties for Interfering With Inspection.—It shall be provided by regulations of the State Tax Commission the methods of breaking packages, forms and kinds of containers and methods of affixing stamps that shall be employed by persons, firms or corporations subject to the tax imposed by this Act which will make possible the enforcement of payment by inspection, and any person, firm or corporation subject to this tax, engaging in or permitting such practices as are prohibited by regulations of the State Tax Commission, or in any other practice which makes it difficult to enforce the provisions of this Act by inspection, or if any person, firm or corporation agent or officer thereof, who shall upon demand of any office or agent of the State Tax Commission, refuse to allow full inspection of the premises or any part thereof, or who shall hinder or in anywise delay or prevent such inspection when demand is made therefor, shall be deemed to be guilty of a misdemeanor, and shall, upon conviction, be fined not more than Two Hundred Dollars for each offense, or imprisonment for a period not exceeding sixty days, or both, in the discretion of the Court.

(b) Discounts Allowed For Handling Stamps; When Bond Furnished Stamps May Be Consigned; Refund For Stamps Affixed to Articles Shipped Out of This State or Sold to The U. S. Government.—The State Tax Commission is hereby authorized and directed to have prepared and dis-

tributed stamps suitable for denoting the tax on all articles enumerated herein.

The State Tax Commission is hereby authorized to engage any person, firm or corporation to sell tax stamps, and shall allow as compensation for receiving, selling and accounting for such stamps two per cent. In case of sales of stamps made by the State Tax Commission to any merchant (wholesale or retail), or manufacturers (for their individual use), the State Tax Commission shall allow the following discount:

On a sale of Fifty Dollars or over and less than One Hundred Dollars a discount of three per cent on the entire amount of the sale; on a sale of One Hundred Dollars or more a discount of five per cent on the entire amount of the sale; Provided, that where wholesalers, jobbers, or manufacturers are entitled to purchase stamps at a discount of five per cent. as herein provided instead of the State Tax Commission selling such stamps to the jobbers, wholesalers or manufacturers for cash, it may consign such stamps if and when such wholesaler, jobber or manufacturer shall give the State Tax Commission a good and sufficient bond executed by some Surety Company authorized to do business in the Commonwealth, conditioned to secure the payment for the stamps so consigned, when and as they are used on manufactured tobacco products or packets of cigarette papers by such wholesaler, jobber or manufacturer, and to require monthly, or such other periodic accounting and settlement periods for the use of such stamps as the State Tax Commission may require: Provided, further, that in case any goods, wares or merchandise upon which business tax stamps have been placed and which goods, wares and merchandise have been sold and shipped to a regular dealer in such articles in another State, the seller in this Commonwealth shall be entitled to a refund of the actual amount of the tax paid upon condition that the seller in this Commonwealth shall make affidavit that the goods were so sold and shipped and that he shall furnish from the purchaser a written acknowledgement that he has received such goods and the amount of stamps thereon, together with the name and address of the purchaser, whereupon the State Tax

Commission shall issue to the seller in this Commonwealth its warrant or order upon the State Treasurer for the amount thereof, which warrant or order shall be paid by the State Treasurer: Provided, further, that any goods, wares or merchandise requiring stamps that are sold to the United States Government for army, navy or marine purposes, and which shall be shipped from a point within this Commonwealth to a place which has been lawfully ceded to the United States Government for army, navy, or marine purposes, shall be refunded to the seller upon proof that such goods, wares, or merchandise have been so sold and shipped, and proof of such sale and refund may be made in like manner as the same is made in case of sales of such goods to merchants outside the Commonwealth: Provided, further, that the State Tax Commission may promulgate rules and regulations providing for the refund to dealers of the cost of stamps affixed to goods which by reason of damage become unfit for sale and are destroyed by the dealer, or returned to the manufacturers: Provided, further, that the State Tax Commission may promulgate rules and regulations to prevent any abuse of the provisions contained herein providing for refunds in the above paragraph.

(c) Stamps shall be affixed in such manner that their removal will require continued application of steam or water.

(d) Penalties For Evading Stamp Tax; Trial by Jury if Desired.—Persons failing to properly affix the required stamps to any manufactured tobacco products, or packets of cigarette papers, shall be required to pay as part of the tax imposed hereunder, a penalty of not less than Twenty Dollars nor more than One Hundred Dollars for each offense, to be assessed and collected by the State Tax Commission as other taxes are collected. And each article or commodity not having proper stamps affixed thereto as herein required shall be deemed a separate offense: Provided, that any manufactured tobacco products or packets of cigarette papers in the place of business of any person required by the provisions of this Act to stamp the same shall be prima facie evidence that they are intended for sale: Provided, further, that if within ten days,

and not thereafter, after notification in writing by the State Tax Commission, or its duly authorized agent, to the person or corporation of its failure to properly affix the required stamps to any article or commodity, or within ten days after written notification to him that he has sold any article or commodity requiring stamps without having the stamps properly attached thereto as required by this Act, the party charged, or to be charged, with such omission as herein provided shall have the right within said time, and not thereafter, to demand a trial of the issue before a Court of competent jurisdiction in the manner now provided by law for the trial of civil actions or civil suits. The written notice herein required may be served by mail. When it is so served, the paper must be deposited in the post office addressed to the person on whom it is to be served at his last known place of residence, and the postage paid, and the ten days' time herein provided shall begin to run from the date of mailing. Such notice may also be personally served by any agent of the State Tax Commission or any other person, by delivering the same to the person or corporation charged, or by leaving the same in the place of business of such person or corporation: Provided, further, that the State Tax Commission, upon good cause shown may, in its discretion, remit the penalty or any part thereof, prescribed last above herein: Provided, further, that any judgment rendered in favor of the State Tax Commission in any civil action or suit shall be a first preferred lien for taxes upon all property of the taxpayer and in the event of non-payment shall be filed in the office of the Clerk of the Court of the County where taken and execution may be issued by the State Tax Commission as now provided by law. But the lien provided for in this Section shall not have priority over any bona fide lien recorded before the judgment is taken on any property belonging to the taxpayer other than that directly pertaining to and used in the conduct of the business in which such penalty was incurred.

(e) Penalties for Fraud in Use or Reuse of Stamps.—That whoever wilfully removes or otherwise prepares any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used, or knowingly or wilfully buys,

sells, offers for sale, or gives away any such washed or restored stamp to any person for use, or knowingly uses the same, or has in his possession any washed, restored or altered stamp, which has been removed from the articles to which it had been previously affixed, or whoever, for the purpose of indicating the payment of any tax hereunder, reuses any stamp which has heretofore been used for the purpose of paying any tax provided in this Act, or whoever buys, sells, offers for sale, or has in his or its possession any counterfeit stamps, is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars, or by imprisonment for not more than five years, or both, in the discretion of the Court.

§ 13. Execution Issued for Unpaid Taxes or Penalties. If any taxes or penalties imposed by this Act remain due and unpaid for a period of ten days, the State Tax Commission shall issue a warrant of execution, directed to the Sheriff of the County of the Commonwealth, commanding him to levy upon and sell the real and personal property of the taxpayer found within his County for the payment of the amount thereof, with penalties, if any, and the costs of executing the warrant, and to return such warrant to the State Tax Commission and to pay it the money collected by virtue thereof. Upon receipt of such execution, the Sheriff shall file with the Clerk of the Court of his County a copy thereof and thereupon the Clerk of the Court shall enter in his abstract of judgments the name of taxpayer mentioned in the warrant and in proper columns the amount of tax, with penalties, and cost for which the warrant is issued and the date and hour when such copy is filed, and shall index the warrant upon the index of judgments. The Sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against the property upon judgments of a Court of record, and shall be entitled to the same fees for services in executing the warrant, to be collected in the same manner. The taxes and penalties imposed by this Act shall be deemed a debt owing to the Commonwealth by the party against whom the same shall be charged and shall be a lien upon all property of the party against whom the same

shall be charged, but lien shall be valid, so as to effect the rights of purchasers for value, mortgages or judgments or other lien creditors, only from the time when the warrant is entered upon the transcript of judgments in the County, in the case of real estate where the real estate is situate, and, in the case of personal property (where the taxpayer resides, if the taxpayer be a resident of this Commonwealth, or, if the taxpayer be a non-resident in the County where the personal property is situate): Provided, however, that any stamp taxes or penalties imposed hereunder shall be a first preferred lien upon any and all of the personal property of the taxpayer used or to be used in such business and shall also rank in priority above all other liens on taxpayer's property used in his business and incurred after the beginning of such business.

§ 14. The revenue derived from the provisions of this Act shall be set aside in a special fund known as the Free Textbook Fund, and shall be used for the purchase of free textbooks as now provided by Chapter forty-eight of the Acts of 1928, except that the State Board of Education shall provide for a gradual introduction of free textbooks beginning with the first grade. The State Board of Education shall then proceed to furnish free textbooks for the second grade, third grade, fourth grade, etc., as long as sufficient funds remain in the Free Textbook Fund to pay for such books. Should the State Board of Education find at the beginning of any calendar year that there remains in the Free Textbook Fund any sum in excess of Five Hundred Thousand Dollars, such excess shall be so certified to the Auditor by the State Board of Education and shall be credited to the Common School Fund.

By Senator Hamilton.

S. B. 332. An Act to amend and re-enact Section 1472, Carroll's Kentucky Statutes, 1922 Edition.

To Committee on Judicial Council.

Said Bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1472 of Kentucky Statutes, Carroll's 1922 Edition, be and the same is hereby repealed and re-enacted, so that said Section when so repealed and re-enacted shall read as follows: Before marking such ballot, the voter shall be careful to examine the same to ascertain if the facsimile of the signature of the clerk of election, shows upon such ballot. After marking such ballot, as herein provided, the voter shall, after detaching the secondary stub, deposit such ballot in the ballot box, and it shall be unlawful for any election officer, after such ballot has been delivered to such voter, to look or attempt to look at, or have in his possession, or handle any ballot contrary to law or in any manner whatsoever, except that such voter be a blind or disabled person and cannot mark and deposit his ballot; provided, that failure of the voter to detach the secondary stub, shall not invalidate his ballot. Each voter shall mark his ballot without undue delay and shall not occupy a booth when occupied by another and shall leave the booth and the room when the ballot is marked and deposited by him in said ballot box. Voters shall not occupy any booth more than three minutes when others are waiting to vote. No voter shall be permitted to electioneer or converse with others while in the voting room concerning their support or non-support of any candidate, party or issue to be voted on except as herein provided. No one shall be permitted in the voting room, except for the purpose of voting, while the officers are holding the election. Election officers will see that this provision is observed. No election officer, shall be permitted, while any voter is voting to go closer than six feet of any election booth, except to provide election utensils and not closer than six feet of the ballot box, which shall be stationed and placed near the voting booth, but in plain view of the election officers, except to aid and assist blind or disabled voters in depositing their ballots, and any violation of this provision, shall be deemed a high misdemeanor and upon conviction therefor, such person shall be fined not less than five hundred dollars nor more than one thousand dollars or may be im-

prisoned in the county jail not to exceed six months, or both so fined and imprisoned in the discretion of the jury.

Senator Isaacs proposed.

The following resolution was offered in the Senate.

S. Res. 30. A Resolution for benefit of Owsley County.

Whereas; The County of Owsley in the month of January 1929, had the misfortune to lose its court house by fire together with all records including its law Library.

Whereas: Said County has since that date built a new Court House at great expense, but being a small county and heavily in debt are unable to pay the cost of replacing its records or Law Library, which are necessary for the use of the Court of the County and District.

Be it Therefore Resolved by the General Assembly of the Commonwealth of Kentucky that the State Librarian be directed and authorized to furnish to said county free of cost a complete set of the decisions of the Court of Appeals of Kentucky, as compiled in the Kentucky Report and Decisions.

Senator Isaacs moved the suspension of the rules, and the adoption of said Resolution.

Said motion was agreed to.

The question being taken on the adoption of the Resolution it was decided in the affirmative.

Said resolution was adopted.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

H. B. 271. An Act creating a County Civil Service Board

in counties of this Commonwealth in which there is located a city of the first class, defining the powers and duties of said Board; providing for the expenses thereof; repealing Sections 3783 and 3784 of Carroll's Kentucky Statutes, compiled and edited by the Baldwin Law Book Company, 1930 edition, in so far as said sections relate to counties having a city of the first class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created in each county of the Commonwealth of Kentucky having a city of the first class a County Civil Service Board consisting of four members with powers and duties co-extensive with the county. The members of such boards shall be appointed by the duly elected, qualified and acting sheriff of the county, two of whom shall at all times be members and supporters of, and affiliated with, the political party receiving the highest number of votes, and two of whom shall be supporters and members of, and affiliated with, the political party receiving the next highest number of votes, at the last preceding general election previous to their appointments. The sheriff shall select and appoint the members of the board from lists of four names each previously submitted to him for that purpose by the chairman of city and county executive committees of such respective political parties. The members of County Civil Service Boards shall be at least thirty years of age, citizens and continuous residents and legal voters in said city for not less than three years next preceding their appointments. No person holding any civil office shall be eligible to membership on any County Civil Service Board. The sheriff shall appoint the first members of said board on or before May 1, 1932, and all members appointed on any such boards shall hold office until their successors are appointed and qualified. One member of said board shall be appointed for a term of one year, one member of the opposite political party shall be appointed for a term of two years, one member, who is of the same political party as the member appointed

for a term of one year, shall be appointed for a term of three years, and one member of the same political party as the member appointed for a term of two years shall be appointed for a term of four years; and upon the termination of the respective terms, their successors shall be appointed and qualified for a term of four years each. Any vacancies occurring within the membership of said board shall be immediately filled, for the unexpired term, by the then qualified and acting sheriff, in the same manner as the members of the first board were selected and appointed.

The fiscal courts of said counties shall fix the salary and compensation of said members at a sum not less than six hundred dollars nor more than twelve hundred dollars per annum, payable monthly, and the salary and compensation of any member shall not be changed during his term of office.

Before entering upon the discharge of his duties, each member of said board shall execute and deliver a surety bond to the county judge of said county, in an amount to be fixed by the fiscal court of said county, not exceeding one thousand dollars.

In the event of a tie vote on any matter that may come before any such board, the sheriff of said county shall become an ex officio member of said board only for the purpose of casting the deciding vote upon said question.

The member of the board appointed for the one-year term shall be chairman for the first year, and thereafter the member whose term next expires shall be chairman for the last year of his term.

The board shall meet regularly at nine o'clock A. M., on the first and third Tuesdays of each month, at a place convenient and suitable, to be designated, provided and equipped by the fiscal court of the county. Adjourned meetings may be held as determined by the board. Special meetings of the board may be called by the chairman or by any two members, by delivering reasonable written notice to each member.

A quorum of said board shall consist of not less than three members for the transaction of business that may come before it.

§ 2. Each County Civil Service Board may employ a secretary, and a chief examiner, but the same person may perform the duties of both offices, and other examiners and clerical and other assistants as in its judgment may be necessary for the efficient administration of this act, and shall determine, by order of record, the terms of office, duties and services to be performed, and the compensation of all persons so employed.

All clerical employees of the County Civil Service Board shall be selected and appointed from lists furnished the said Board by the chairman of the county and city executive committees, respectively, of the political parties designated herein, in such manner that one-half of the employees shall at all times be members and supporters of, and affiliated with, the political party receiving the highest number of political votes, and one-half of whom shall at all times be members and supporters of, and affiliated with, the political party receiving the next highest number of political votes, at the last preceding general election previous to their appointments. All patrols shall be selected and appointed from lists previously submitted to the Board for that purpose by the chairman of the county and city executive committee of such respective political parties. These lists shall include only those names appearing upon the eligibility lists as provided for in this Act. The patrols so selected and appointed from the lists so furnished the Board shall be equally divided so that one-half of the patrols shall at all times be members and supporters of, and affiliated with, the political party receiving the highest number of political votes and one-half of said patrols shall be members and supporters of, and affiliated with, the political party receiving the next highest number of political votes at the next preceding general election previous to their appointments.

The fiscal court of said county upon recommendation of

the County Civil Service Board, shall make an annual levy and appropriation sufficient to cover all salaries and necessary expenses of said board and its employee; provided, that the expenses for the year 1932 shall be paid out of the present county police fund for the year 1932.

§ 3. Each County Civil Service Board shall have the power and it shall be its duty to select and appoint county patrols and designate a chief and assistant chief of county patrol from eligibility lists as hereinafter provided for. The county patrols shall be discreet, sober citizens and residents of said county, not less than twenty-one years of age, and shall subscribe and take an oath in the county court for the faithful and impartial performance of his duties, and execute a bond, with good surety, in a sum to be fixed by the board. All patrols shall have jurisdiction co-extensive with the county, and shall possess all the common law and statutory powers of deputy sheriffs except for the purpose of civil process. The board, by order of record, shall prescribe the number of hours in each month each patrol shall be on duty in his district.

§ 4. The County Civil Service Boards may, once in every year, divide their counties into as many districts as the public peace and good order of society may require, and appoint in each district a company of patrols to consist of a captain and patrols necessary for efficient service in maintaining peace and good order.

Each board may, by order of record, remove, suspend or reduce in grade any officer or employe in the county patrol service for any cause which will promote the efficiency of the service; provided a written statement of the reasons therefor be first furnished such officer or employe, and he is allowed a reasonable time for answering such reasons, in writing, which answer, if he so requests, shall be made a part of the records of the board. After a full and impartial hearing, in public, of the charges preferred against such officer or employe, with the examination of all witnesses offered to testify concerning the charges so preferred, the board shall enter an

order of record of its action in said cause and furnish to the said officer or employe a copy thereof. In all hearings the chairman of the board shall have the power to administer oaths to witnesses in giving testimony therein. The said board shall have power, through its chairman or secretary, to issue subpoenaes to compel the attendance of witnesses upon any proceeding authorized by law or for the infraction of any of its rules or regulations.

§ 5. The County Civil Service Boards shall have the power to fix the salary and compensation of county patrols, chief and assistant chief of patrols. The county patrols shall be paid by order of the fiscal court out of the levy provided therefor a salary not less than fifteen hundred nor more than eighteen hundred dollars per annum, payable in equal monthly installments. The chief and assistant chief of patrols shall each be paid by order of the fiscal court, out of the county levy provided for county patrol service, a salary of twentyone hundred dollars per annum, payable in equal monthly installments. Each patrol shall present a verified claim to the County Civil Service Board for services rendered, specifying the number of hours engaged, upon which the board shall fix the amount to be paid by the fiscal court.

§ 6. The County Civil Service Boards, upon petition of at least ten citizens, residents and taxpayers in any magisterial district, may appoint in such magisterial district not exceeding three special patrols and to continue in service not exceeding twelve months, unless sooner removed for cause by the board. None but discreet and sober citizens, at least twenty-one years of age, shall be appointed such special patrol, and they shall take oath in the county court for the faithful and efficient performance of their duties and shall give bond therefor with good surety in the sum of one thousand dollars, and when so appointed shall have jurisdiction coextensive with the whole county. The compensation of said special patrol shall be paid by the persons who petition for their appointment.

§ 7. The County Civil Service Boards as provided for

herein may, in the case of need, appoint special patrols to do special duty at any time and place within the county, and on such terms as it may deem proper and not in conflict with the civil service provisions of this act. These special patrols shall be governed by such rules and regulations as said board may provide, and they shall have all the powers of regular patrols. The hours of service and the compensation of such special patrols shall be fixed by order of record of the board, not to exceed the compensation of regular patrols, and the compensation shall be paid in the same manner as provided for regular patrols.

§ 8. The chief of county patrols shall have exclusive direction and control of the county patrol force subject to the rules, regulations and orders of the County Civil Service Board, except in times of peril, riot, extensive conflagration, disorders or the apprehension thereof, the chief of the county patrol shall be subordinate to the board and under their direct supervision and orders. The county patrol shall visit all suspected place or places of unlawful assemblage within their respective districts and such other duties as may be prescribed by the board.

§ 9. The County Civil Service Boards, shall after published notice and hearing, make, promulgate and when necessary amend rules and regulations for the appointment, promotion, transfer, suspension, reinstatement and removal of the personnel of county patrol and for the qualification of men for appointment, promotion and transfer, and shall report its proceedings, rules and regulations to the fiscal court.

§ 10. Such rules and regulations shall, among other things, provide:

(a) For standardization and qualification of all positions. All salaries shall be uniform for like service in each grade and the same shall be standardized and classified by the board.

(b) For open and competitive test, ascertaining the

relative fitness of all applicants for appointment to said county patrol service, and all tests shall be practical and related only to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. Notice of such tests shall be given not less than ten days in advance by public advertisement in at least one newspaper of general circulation in the county and by posting a notice on the door of the county court in the county courthouse.

(c) For the creation of eligibility lists, upon which shall be entered the names of successful candidates in the order of their standing in examinations and for the filling of places in said county patrol from selections of not more than three candidates graded highest on such eligibility list, which list shall remain in force not longer than one year. In the absence of an appropriate eligibility list, any place may be filled temporarily by the County Civil Service Board without examination for a period not to exceed sixty days, during which time the County Civil Service Board shall hold the necessary examinations for the filling of the place permanently.

No person shall be appointed or employed under any title not appropriate to the duties to be discharged, and no person shall be transferred or assigned to perform any duties of any position subject to competitive tests equivalent to that required for the position to be filled. Each list of eligibles with the respective grades shall be open to public inspection.

Any person appointed from the eligibility list and laid off for lack of work or lack of appropriation shall be placed at the head of the eligibility list for reappointment for a period of eligibility as provided by the rules of the board.

(d) For a period of probation not exceeding six months before an appointment or employment is made permanent.

(e) For reinstatement on the eligibility list of persons who, without fault or delinquence, are separated from the service.

(f) For promotion from the lower grades to the higher, based upon records of efficiency and seniority to be furnished by the captains of the county patrol districts.

§ 10. Within six months after the County Civil Service Board has promulgated rules herein provided for, all county patrols then members of the force shall attend the examination prescribed, and during said period and thereafter said examinations shall be open to all candidates, and all persons taking such examinations shall be graded, classified and their eligibility for service or continued service determined by the County Civil Service Board as herein provided, and all appointments, except as otherwise provided, shall be made by the County Civil Service Board from the eligibility lists so created. All persons appointed from such eligibility lists shall be known as in the classified service.

§ 11. No person in the county patrol service shall, directly or indirectly, give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or for any purpose whatever. No person connected with said service shall orally, or by letter, solicit or in any manner be concerned in soliciting any assessment, subscription or contribution for any political party or for any purpose from any person holding a position in the patrol service. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of any appointment to any position within the patrol service as a reward or return for personal or political service. No person appointed or about to be appointed or an applicant for an appointment to any position in the patrol service shall sign or execute a resignation dated or undated in advance of such appointment. No person in the classified service shall be suspended, demoted or promoted, or in any way changed in official rank or compensation for soliciting or receiving any contribution of money, service or any other thing of value for any political purpose. No person shall participate, directly or indirectly, in preparing any political assessment, subscription, or contribution, with the intent that the same shall be sent or presented

to or collected from any person in any branch of the patrol service, and no person shall knowingly send or present, directly or indirectly, in person or by a letter, any political assessment, subscription, or contribution to or request payment by any person in any branch of the patrol service.

No person in any branch of the patrol service shall act as an officer of any political organization or be a member thereof, or take any active part in any political campaign or serve as a member of any committee of any political organization or circulate or seek signatures to any petition provided for any primary or general election, or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office, whether federal, State, county or municipal.

§ 12. No question in any examination held under the provisions of this act shall relate to any political or religious opinions, affiliations or service, and no appointment, transfer, promotion, demotion, increase or reduction in compensation, suspension or removal, shall be affected or influenced by such opinions or affiliations.

§ 13. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment of six months, or both so fined and imprisoned, and be barred from future employment or service under said board; and if such person be an applicant for examination for patrol service, he shall be excluded from such examination for one year thereafter, and if the name of such person be on an eligibility list, his name shall be removed therefrom.

§ 14. The County Civil Service Board shall fix a minimum standard of conduct and efficiency in the service, and whenever it shall appear to the board that the efficiency and eligibility of any employe in the service has fallen below the minimum of such standard of conduct or efficiency, he shall be summoned before the board to show cause why he should not

be removed, and if, upon hearing, no satisfactory reason shall be given to the board, he shall be removed, suspended or reduced in rank by the board as it shall determine, and said hearing shall be had in the manner as hereinbefore provided.

§ 15. The County Civil Service Boards created herein shall provide a manual of instruction for the use of persons who wish to acquire a knowledge of the rules and regulations of said board and the duties of the members of the county patrols of said counties.

§ 16. No member of any County Civil Service Board, officer, employe or patrol shall receive or accept any money or compensation, not provided by law, for any service or neglect of duty, in addition to his salary or compensation provided for herein.

§ 17. The provisions of this act are severable and if any of its provisions or any penalty provided by this act shall be held unconstitutional, such provisions or the particular penalties held to be invalid may be rejected without affecting the remainder of the act or such parts of the penalties as are not held to be invalid, and the decisions of the courts shall not affect or impair any of the remaining provisions of this act or any of the penalties anywhere in this act provided. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions or such invalid penalties not been included herein.

§ 18. That Sections 3783 and 3784 of Carroll's Kentucky Statutes, compiled and edited by the Baldwin Law Book Company, 1930 Edition, so far as they relate to counties having a city of the first class, be and the same are hereby repealed.

§ 19. Whereas it is necessary to organize, establish and create the office of County Civil Service Board in counties containing cities of the first class and make all necessary preparations for the enforcement of laws and maintenance of peace and good order in society in said counties, an emergency is

declared to exist, and this act shall become effective from and after its passage and approval.

It was ordered that said bill be referred to the Committee on Kentucky Statutes, No. 1.

H. B. 123. An Act enabling cities of the third class, to acquire, construct, operate and maintain electric light, heat and power plants and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That cities of the Third Class, whether organized under the general law or special charter law, and including such cities where the Commission form of government has been adopted, are hereby authorized and empowered to purchase, establish, erect, maintain and operate electric light, heat and power plants, together with extensions and necessary appurtenances thereto, within or without the corporate limits under the provisions of this act for the purpose of supplying such city and the inhabitants thereof with electric light, heat and power.

§ 2. For the purpose of defraying the cost of acquiring any such electric light, heat and power plant, either by purchase, or construction and appurtenances or extensions thereto, any such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six (6) per cent per annum. Such ordinance shall further provide that the proposed electric light, heat and

power plant and appurtenances which is to be acquired or constructed or the proposed extensions thereto are to be made pursuant to the provisions of this act.

§ 3. One or more electric light, heat and power plants, owned by one or more persons or corporations, may be acquired hereunder as a single enterprise, and the common council or board of commissioners of such city shall have authority to agree with the owner or owners as to the value thereof and to purchase the same at such value after publishing said agreement of purchase setting out the price, interest rate, condition of plant, possible depreciation and repairs in all the newspapers of general circulation of such city or in such county in which such city is located. In case no such newspaper is published in such city or county, then by posting large posters in ten (10) or more prominent places in such city, setting out the above details, for a period of forty-five (45) days. If within such time a petition, signed by two hundred (200) or more qualified voters of such city calling for an election to be held on the regular November election day in such year, and if such election occurs more than forty-five (45) days after the time of filing such petition, or if the next November election occurs less than forty-five (45) days after filing of such petition, it shall go over until the next November election occurring more than forty-five (45) days thereafter, which said petition shall be filed with the County Clerk of such county. Notice of such election in addition to any other publication or notice required herein, shall be given in the same manner as above required to give notice of such agreement of such City Council or Board of Commissioners, with such electric light, heat and power plants, which is as follows: By publishing the price, term of bonds, interest, general repairs and condition of plant and nature of such election in all the newspapers of general circulation, published in such city for a period of forty-five (45) days, or if no newspaper of general circulation is published in such city, then in the newspapers of general circulation published in such county and if no such newspaper is published in such city or county, then by posting large posters in ten (10) or more prominent places in

such city. The election shall be held at the next November election held more than forty-five (45) days after the time of such publication. Said purchase shall not be consummated unless such election is carried by a majority vote of all the qualified voters voting on such proposition. The question to be submitted to the voters on the ballot at such election shall be:

Are you in favor of the city of .....
purchasing .....at the price of $.....?

All blanks in such question shall be completed before submitting ballots to qualified voters.

§ 4. All bonds under the provisions of this act may be issued bearing interest at the rate not exceeding six (6) per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding forty years from the date thereof, and at such place or places as such common council or board of commissioners shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. In case any of the officers whose signatures or counter-signatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the common council or board of commissioners shall deem for the best interests of such city, or any contract for the purchase or acquisition of any light, heat or power plant may provide that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six (6) per cent. Such bonds when issued shall be payable solely from the revenue funds derived from such

light, heat and power plants as provided in Section 9, hereof, and shall not constitute an indebtedness of such city within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this act and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely for the purchase, establishment or erection of such electric light, heat and power plant and extensions thereto and necessary appurtenances, provided such moneys may be used also to advance the payment of the interest on bonds during the first three years following the date of such bonds. And there shall be and there is hereby created a statutory mortgage lien upon the electric light, heat and power plant and appurtenances and extensions so acquired to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

§ 7. The light, heat and power plant so purchased, acquired or constructed, together with the extensions and appurtenances, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either at law or in equity by suit, action, mandamus, or other proceedings, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

§ 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said electric light, heat and power plant on behalf of the city, with power to charge and collect rates sufficient to provide for the

payment of any bonds or obligations outstanding against said electric light, heat and power plant and for the payment of the operating expenses and to apply the income and revenues in conformity with this act, and the ordinance referred to in Section 9, hereof.

§ 9. At or before the issuance of such bonds the common council or board of commissioners of such city shall, by ordinance, set aside and pledge the income and revenue of such electric light, heat and power plant into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be so set aside and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the service from such electric light, heat and power plant shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the operation and maintenance thereof an adequate depreciation account. Such rats shall be fixed and revised from time to time so as to produce these amounts.

§ 10. If any surplus shall be accumulated in the operating and maintenance fund, which shall be equal to the cost of maintaining and operating such electric light, heat and power plant during the remainder of the calendar, operating or fiscal year, as may be provided by the ordinance hereinbefore required and the cost of maintaining and operating such electric light, heat and power plant during the succeeding like calendar year, operating or fiscal year, any excess over such amount may be transferred at any time by the council or board of commissioners to the depreciation account to be used for any improvements, extensions or additions to such electric light, heat and power plant.

§ 11. The funds accumulating to the depreciation account shall be expended in balancing depreciation in such electric light, heat and power plant or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the council may designate and if invested, the income from such investments shall be carried into the depreciation account.

§ 12. The reasonable cost and value of any service rendered to such city by such electric light, heat and power plant may be charged against the city and shall be paid for monthly as the services accrues from the current fund or proceeds of taxes which such city is hereby authorized and required to levy in an amount sufficient for that purpose. Such funds so paid shall be accounted for in the same manner as other revenues of such electric light, heat and power plant.

§ 13. Such city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this act. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

§ 14. Should the common council or board of commissioners find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein required.

§ 15. Any city acquiring any electric light, heat or power plant pursuant to the provisions of this act, may, at the time of the issuing of the bonds for such acquisition provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as such proceeds for that purpose may be necessary. Such bonds when so negotiated shall have equal standing with the bonds of the same issue.

§ 16. In like manner, such city acquiring any electric light, heat and power plant under the provisions hereof, may provide for the extension, addition or improvement of such public utility by an additional issue or issues of bonds in the manner herein provided.

§ 17. Such city in acquiring any electric light, heat or power plant under the provisions of this act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and for the security of the bondholders as the common council or board of commissioners of such city may be necessary.

§ 18. The ordinance required by Section 2 and 9 hereof may also set apart bonds hereunder authorized, equal to the amount of any secured debt or charge, subject to which an electric light, heat and power plant may be purchased or acquired, and shall set aside for interest and sinking fund from the balance of the income and revenue of the electric light, heat and power plant remaining after setting aside the funds for the payment of principal and interest of bonds, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordinance shall fix and determine the amount which shall set aside into a securing debt account for interest on such secured debt or charge and a fixed amount to pay the principal thereof at maturity. Any surplus after satisfying the secured debt or charge may be transferred to the fund for the redemption of the principal and interest of the bonds issued thereunder. Bonds may be issued hereunder subject to the provisions hereof in exchange for or in satisfaction of such secured debt or charge, or may be sold in the manner herein provided and the proceeds applied in payment of the same at or before maturity.

§ 19. This act shall be deemed to create an additional and alternate method for the acquisition of an electric light, heat and power plant by any city of the third class and shall

not be deemed to include, amend, alter, or repeal any other statute. No proceedings shall be required for the acquisition of any electric light, heat and power plant hereunder or the issuance of bonds hereunder except such as are prescribed by this act, any provision in the general laws of the Commonwealth of Kentucky or the charter of any city to the contrary notwithstanding.

§ 20. Any city acquiring or constructing an electric light, heat and power plant within or without the city under the provisions of this act, shall by ordinance appoint three commissioners to operate, manage and control said plant to be known as the City Utility Commission.

Said Utility Commission shall have absolute and exclusive control of said electric light, heat and power plant and its operation and fiscal management, regulation of rates and in every other respect provided that in fixing rates said Commission shall be governed by the provisions of Section 9, hereof, and of any ordinance enacted by the city council or board of commissioners as provided in Section 9, hereof.

Said Utility Commission shall provide rules, regulations and by-laws for the management of said plant and out of the revenue of the plant it shall pay operating expenses, repairs and additions which may be necessary to be made thereto, and provide sufficient reserve fund to insure the said plant is kept in repair and in good working order and to provide against any emergency which may arise. Said Commission shall from time to time pay to the city the surplus revenue derived from the operation of the said plant as is provided in Sections 9 and 10, hereof.

In order that said Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment held any city, county, state or federal office, or who within said period has been a member of any committee of any political party, or who is related within the third degree to the

mayor or member of the board of commissioners or member of the board of council of such city. Said Utility Commission shall not appoint to any subordinate office which they may create any person who is related to any of the commissioners or to the mayor of said city or to any member of the board of commissioners or to any member of the board of council of said city. No officer or employee of said city whether holding a paid or unpaid office shall be eligible to be appointed as a member of said Commission or to be employed by the Commission in any capacity. The members of such City Utility Commission shall be citizens, taxpayers, and legal voters of such city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bonds of any officer of said city.

If at any time during the term of office any member of said Commission shall become a candidate for or be elected or be appointed to any public office, he shall automatically vacate his membership from said Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for said Commissioners from a surety company, and said Commissioners shall each execute bond in the penal sum of $10,000.00 conditioned upon the faithful performance of his official duties. Said bonds shall be approved by the Board of Commissioners or by the Board of Council as the case may be.

An action may be maintained upon any Commissioner's bond by any person injured by a violation of the covenants therein contained.

The Board of Commissioners or the Council of the city shall fix the salary to be paid to said members of said Utility Commission but not to exceed $300.00 per annum for each Utility Commissioner.

The first Board of Utility Commissioners appointed under this act shall be appointed for terms as follows: One for the

term of one year; one for the term of two years; one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 21. This act being necessary for and to secure public health, safety, convenience and welfare of cities in the Commonwealth of Kentucky, shall be liberally construed to effectuate the purpose hereof.

§ 22. If any section or provision of this act is for any reason illegal it is the intention that the remaining section and parts thereof shall remain in full force and effect.

It was ordered that said bill be referred to the Committee on Kentucky Statutes, No. 1.

H. B. 186. An Act relating to juries and amending and re-enacting Sections 2249, 2251 and 2260, Carroll's Kentucky Statutes, 1930 Edition.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2249, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended and re-enacted and as amended and re-enacted shall read as follows:

A grand jury shall be summoned at three regular terms of circuit court, unless otherwise ordered by the judge, by an order entered of record. In such courts and branches thereof, having continuous session, as are authorized by Article 1 hereof to draw and empanel a grand jury, it shall be done on the first Monday of each month that such court is in session, unless otherwise ordered by the judge.

§ 2. That Section 2251, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted and as amended and re-enacted shall read as follows:

Grand jurors shall be paid for their services each two ($2.00) dollars per day, and shall not remain in session longer than six days at any regular term of court, but the court in its discretion may if the business before the grand jury requires it extend the time of the grand jury not more than three days longer, by an order showing the necessity for such extension entered on the order book of the court. The court may in its discretion in case of an emergency call not more than three special sessions of the grand jury for not more than three days at a time. The court in calling a special grand jury shall set forth in an order entered on the order book of the court the reason for calling a special session of the grand jury.

§ 3. That Section 2260, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted and as amended and re-enacted shall read as follows:

Jurors in circuit court shall receive two ($2.00) dollars per day, and when kept together overnight in custody of the sheriff, shall receive one ($1.00) additional for each night they are kept together; and in courts inferior to the circuits, fifty (50) cents for each case. In the circuit court a jury fee of four ($4.00) dollars shall be taxed as costs against the unsuccessful party; and in other courts the cost of the jury shall be paid by the party demanding the jury, and shall be taxed as costs against the unsuccessful party; but in such courts, if the same juror serves on more than two juries in one day, he shall not be allowed anything for such excess.

§ 4. All acts and parts of acts in conflict herewith are hereby repealed.

It was ordered that said bill be referred to the Committee on Courts and Legal Procedure.

A message was received from the House of Representatives announcing that they had passed the following Resolution:

SENATE RESOLUTION 25

Resolution inviting Hon. Melvin A. Traylor to address the General Assembly.

A message was received from the House of Representatives announcing that they had refused to concur in the amendments proposed to H. B. 63 by the Senate on February 4, 1932, of the following title:

H. B. 63. An Act to repeal Sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of the General Assembly of 1914, being a portion of the Act providing for the Commission Form of Government for cities of the Third Class, and the sections repealed by this Act are now Sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10, and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof, that the Mayor, the Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the Third Class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

Senator Gates F. Young moved that the Senate recede from the following amendments to said bill:

No. 1. Amend Section 1, House Bill 63, in the Senate by inserting after the figures 1930 in line 5, on page 1 on the printed bill, the following words and figures, to-wit: "And Sections 6, 7, 8 and 9 of Chapter 91 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky."

No. 2. Amend Section 2 of House Bill 63 in the Senate by adding after the word Commissioners in line 2 on page 2 of the printed bill the following words and figures, to-wit: "Of cities of the Third Class and the Mayor and Commissioners of cities of the Second Class."

AMENDMENT TO TITLE

Amend the title to House Bill 63 in the Senate by adding

after the word "edition" in line 6 of the title to said Act the following words and figures, to-wit: "And sections 6, 7, 8, and 9 of Chapter 91 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky," and by adding after the word class in the eighth line of the title in said act the following words, to-wit: "And the Mayor and Commissioners of cities of the Second Class."

Said motion was agreed to by a majority of the members elected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Alex E. Johnson	O. M. Rogers
W. W. Booles	L. C. Littrell	J. M. Rose
H. M. Brock	Frank I. Lloyd	R. H. Royster
Edwin C. Dawson	Rev. C. D. McCaw	E. D. Stephenson
Thos. C. Ferguson	C.T.McCormick,Sr.	Joe Stewart
Walter N. Flippin	Wm. Mehler	Thos. O. Turner
Perry B. Gaines	Ray B. Moss	Fred C. VanHoose
Arch Hamilton	D. C. Naive	Sewell B. Williams
Wm. Isaacs	Marion F. Pogue	W. A. Yates
Silas Jacobs	Dr. G. W. Ragan	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

CALENDAR

Senator Gates F. Young moved that the second reading

of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in Orders of the Day.

Said titles to bills are as follows:

S. B. 40. An Act requiring all county and state officers to issue official receipts, serially numbered, for all collections of money made in an official capacity, prescribing the method of issuing the receipts and fixing the penalty for violations.

S. B. 264. An Act to amend Chapter 165 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky entitled an Act relating to the creation of water districts in counties of this State, and providing for the establishment, construction or purchase of water systems.

S. B. 260. An Act repealing and re-enacting Sections 4130, 4135, 4143, 4147 and 4148 of Carroll's Kentucky Statutes, 1930 Edition, which sections relate to revenue and taxation, and repealing all acts, parts of acts, and laws in conflict with this act.

S. B. 191. An Act prescribing the purpose, duties and authority of the Department of Labor.

S. B. 192. An Act to establish an employment service; providing for co-operative agreement with county, municipal, school and Federal government agencies; prescribing the duties and authority of the chief officer of the Department of Labor to carry out the object of this act.

S. B. 213. An Act to promote safety in places of employment, elevators, boilers and pressure vessels, creating a Ken-

tucky Industrial Safety Board in the Department of Labor, providing for the appointment and qualifications of members thereof, and defining its powers and duties; providing that the chief officer of the Department of Labor shall be the secretary and administrative officer of said board, prescribing the duties of said secretary, and providing that he shall perform said duties without additional compensation; authorizing the employment of necessary employees; and making an appropriation for the administration of this act; and providing penalties for the violation thereof; and providing the payment of certain fees for inspection of boilers, and for enforcing payment thereof by actions in the Franklin Circuit Court, and further providing for variations in and for review of the rules and orders of said board and for appeals therefrom.

S. B. 181. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road beginning at Haywood, Barren County, Kentucky, by the way of Rocky Hill and Finney, Barren County, Kentucky, to Berr's Store, Warren County, Kentucky, thence to Hydro, Warren County, Kentucky, connecting with road project No. 80, in Warren County, Kentucky.

S. B. 197. An Act to establish as a part of the primary system of State highways a road from near mouth of Abner Fork of Beaver Creek to upper end of the town of Weeksbury, in Floyd County.

S. B. 204. An Act establishing as a part of the primary system of State highways a road leading from Haddix in Breathitt County, Kentucky, to Chavies in Perry County, Kentucky.

S. B. 205. An Act establishing as part of primary system of State highways a road leading from Blanton Bridge on Route 15 in Breathitt County via Taulbee Post Office to Lee City in Wolfe County, Kentucky.

S. B. 206. An Act establishing as part of primary system

of State highways a road leading from mouth of Quicksand Creek at intersection of Highway Route 15, up Quicksand Creek, intersecting Quicksand and Hindman Road.

S. B. 207. An Act establishing as part of primary system of State highways a road leading from mouth of Meat Scaffold Creek via Stevenson, Keck, and intersecting Highway 15 at mouth of Cope Fork of Frozen Creek.

S. B. 208. An Act establishing as part of primary system of State highways a road leading from Wrigley, Ky., via Flatwoods, to Canal City and Hazel Green road.

S. B. 225. An Act to amend and re-enact Chapter 269, page 580 of the Acts of the General Assembly of 1924, which is Project No. 126, of Section 4356t-5, of Baldwin's Kentucky Statute service of Carroll's Kentucky Statutes, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same.

S. B. 227. An Act to establish a primary road project to be known as Project No. —, to begin at Piqua in Robertson County, and extend to U. S. Highway No. 68, near its junction with State Road No. 61 in Nicholas County.

S. B. 229. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 230. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 231. An Act to establish as a part of the primary system of State highways, a road from the Sandy Hook and Louisa road near the J. L. Hulett farm in Lawrence County to the Mayo trail on George's Creek.

S. B. 232. An Act to be placed on the State primary system of roads a road from Livingston the nearest and most practical route to the Deboult School House on Skagg's Creek in Rockcastle County.

S. B. 233. An Act to add to the State primary system of roads a road from Highway No. 168 near James Bullock's residence at Naretburg to Bromo Post Office by J. B. Noe farm in Rockcastle County.

S. B. 234. An Act to be placed on the State road primary system a road from Biever-vend filling station to Red-Hill School House in Rockcastle County.

S. B. 235. An Act establishing a road project from corporation limits of Scottsville, Kentucky, alone present traveled road by Gainsville, Meador, across Osborne Ford on Barren River, by Kepler, Warren County, intersecting the Bowling Green and Glasgow road at Kirby Farm.

S. B. 237. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 238. An Act establishing as part of the primary system of State highways a road from London in Laurel County to McKee in Jackson County.

S. B. 239. An Act to add to the primary system of roads a road from Manchester Pike near Johnston School House to Burning Springs, by Langnau Post Office and Crawford Post Office, in Laurel County.

S. B. 240. An Act to add to the primary system of roads a road from Nelson's Store to Green Mount Post Office in Laurel County.

S. B. 247. An Act establishing as a part of the State primary road system, a road leading from G. D. James' store in

Edmonson County, via Nouchin's Ferry and Ollie to Mammoth Cave.

S. B. 250. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Rocky Hill, in Edmonson County, to Merry Oaks, in Barren County.

S. B. 257. An Act to add to the State primary system of highways a road from Marion, Crittenden County, via Chapel Hill and View Vicinity to Francis, Crittenden County.

S. B. 259. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning near Chalybeate and running thence via Chalybeate High School, Pine Grove Presbyterian Church, and Boiling Springs to a point on the Dixie Highway.

S. B. 262. An Act to add to the primary system of roads in Rockcastle County from the entrance of the Dughill Road into Highway 138 to Bishop's Store.

S. B. 263. An Act creating and establishing as part of the primary system of roads and highways of the Commonwealth of Kentucky, a road beginning at Tompkinsville, Monroe County, Kentucky, and leading to the Old Mulkey Meeting House State Park.

S. B. 267. An Act to establish as a part of the primary system of State highways a road beginning at the Glencoe, Ky., bridge on the Owen County side, thence to Old Sparta in Owen County, Kentucky.

S. B. 280. An Act to establish a State primary road project from River Post Office in Johnson County down the Big Sandy River by way of Richardson, Kentucky, to the mouth of George's Creek.

S. B. 282. An Act to establish as a part of the primary

system of State highways of the Commonwealth of Kentucky, a road from Catlettsburg, Kentucky, to the State line between Kentucky and Virginia, to be designated and known as the "Wallace J. Williamson Highway."

S. B. 285. An Act establishing as part of the primary system of State highways of the Commonwealth of Kentucky, a road from a point on the Pikeville-Williamson Highway, State Road No. 82, near the mouth of Blackberry Fork of Pond Creek in Pike County, to a point on the State Line between Kentucky and Virginia on Knox Creek in said county.

S. B. 286. An Act establishing as part of the primary system of State highways a road beginning at a point on State Project No. — at the mouth of Turkey Creek in Pike County, to a point on State Project 62 at or near the bridge at the mouth of Road Fork of Big Creek.

S. B. 288. An Act relating to roads and highways and establishing and creating a Road Project No. 60, extending from Lawton in Carter County to U. S. Road No. 60 at Hayes Crossing in Rowan County, as a State primary road.

Reported with expression of opinion that same ought to pass.

S. B. 283. An Act to amend Section 1078 and 1079 of Carroll's Kentucky Statutes, 1930 Edition, in relation to the apportionment of Registerial Districts. The following amendment was offered by the committee:

S. B. 49. An Act relating to public officers of the Commonwealth of Kentucky.

S. B. 263. An Act relating to elections. Reported with expression of opinion that same ought to pass.

S. B. 305. An Act to fix and regulate jury fees where two or more cases are consolidated and tried together.

S. B. 130. An Act amending Section 4114i-1, Kentucky Statutes, Carroll's 1930 Edition.

S. B. 275. An Act repealing Section 2739f-4, Kentucky Statutes, Carroll's 1930 Edition, including all and singular sub-sections thereof, being all of Chapter 26 of the Acts of the General Assembly of 1922; and enacting in lieu thereof an act creating a commission of five members to be known as "My Old Kentucky Home Commission," fixing the qualifications and prescribing the powers and duties of said Commission; and declaring an emergency to exist.

S. B. 151. An Act relating to the safe development and operation of minerals: Providing regulations for the location of oil and gas wells and the operation and abandonment of same through workable beds of coal; regulating coal mining operations within the vicinity of such wells; defining the respective duties of the owners and operators for said minerals and the State Department of Mines; prescribing full procedure for carrying into effect all the provisions and providing penalties for any violations of this Act; and, repealing all laws or parts of laws in conflict herewith.

H. B. 34. An Act to amend and re-enact Section 199a of Carroll's 1930 Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky enacted at the 1906 session thereof and entitled, "An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky," as amended by Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky, entitled, "An Act to amend Section 2 of an Act entitled 'An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky,'" which Act became a law March 24, 1906, without the approval of the Governor.

S. B. 201. An Act relating to suits or actions by and against a County, City, Municipality, and other taxing districts, to enjoin the issuance of bonds thereof, and forbidding

the issuance thereof, except on the approval of a court of competent jurisdiction, prescribing the practice and fixing the burden of proof.

S. B. 255. An Act to regulate traffic over and upon bridges and ferries now or hereafter owned or operated by the Commonwealth of Kentucky through its agent, the State Highway Commission of Kentucky; making it unlawful for any person, except those specifically exempted by this Act, to pass over or upon any bridge or ferry so owned or operated without paying the required toll; vesting in collectors of tolls stationed at or upon any bridge or ferry so owned or operated with the powers of peace officers; vesting in the State Highway Commission of Kentucky power to make rules and regulations for the enforcement of this Act, and, also, prescribing penalties for the commission of offenses defined in this Act.

S. B. 268. An Act to amend Section 559, Kentucky Statutes, Carroll's 1930 Edition, by striking out of said section the words "two-thirds" and substituting in lieu thereof the word "majority."

S. B. 144. An Act providing for the creation of an educational commission, prescribing its powers and duties and the duties of persons in connection with it, and fixing penalties for failure to perform same, and declaring an emergency.

S. B. 79. An Act to repeal and re-enact Sections 216a-1, 216a-7, 216aa-8, 216aa-25, 216aa-27, 216aa-28, and to repeal Sections 216aa-4, 216aa-5, 216aa-6, of Carroll's Kentucky Statutes, 1930, relating to the State Board of Charities and Corrections, its management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this state; declaring an emergency, and repealing all laws, or parts of laws, in conflict herewith to the extent of such conflict.

S. B. 209. An Act to amend and re-enact Section 3024a-4 of Carroll's Kentucky Statutes, 1930 Edition, which is Sec-

tion 4 of Chapter 16 of the Acts of the General Assembly of 1906, pertaining to the controlling, management and operation of Water Works in cities of the first class.

S. B. 148. An Act relating to charitable and correctional institutions and providing for the conveyance of sites on the ground or other real estate now held or hereafter acquired by or to the State Board of Charities and Corrections or any charitable or correctional institution of the Commonwealth, or now held or hereafter acquired by the Commonwealth of Kentucky for use of said board or institutions, for building to be used in connection with said board or institutions; providing for the erection of buildings thereon, providing for the leasing of such site and building to such board or institutions at a rental which will amortize the cost of the erection of such buildings; and providing for the reacquisition of the title thereto by such board.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 30. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

Senator Stewart moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 145. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of dentistry in the State of Kentucky.

Senator Booles moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 29. An Act regulating the hours of labor; providing for a prevailing rate of wages; providing preference for employment of citizens of Kentucky on public works, and further providing for definition of terms used, enforcement of and penalty for violation of this Act.

Senator Mehler moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 57. An Act to repeal and re-enact Section 2290b, Carroll's Kentucky Statute, addition the same being Chapter 123 of the Acts of the General Assembly of 1910, providing that eight (8) shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth. And providing for the enforcement of and penalties for violation thereof.

Senator Rose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 107. An Act relating to jailers and providing for

the consolidation of the office of jailer with that of the sheriff, providing that the duties of the jailers in each county of the Commonwealth of Kentucky shall be performed by the sheriff of the county, and providing for compensation for the sheriff for performing his duties as jailer of each county of the Commonwealth of Kentucky, and providing for the dieting of prisoners confined in the county jail in each county of the Commonwealth of Kentucky; and repealing Section 1730, Section 2231 and Section 2232, Carroll's Kentucky Statutes, 1930 Edition.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 170. An Act defining school districts; setting out powers and duties of boards of education therein; indicating procedure relating to the organization, control and operation of the common schools therein; providing for the general welfare of the public schools of the Commonwealth; providing for a uniform census every three years; exempting school pupils from toll on roads, bridges and ferries; repealing various scattering provisions of old law relating to division boards of education and other provisions covered by this Act or not consistent with it.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 3. An Act to amend and re-enact Section 199a of

Carroll's 1930 Kentucky Statutes and being Chapter 143 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1906 session thereof, and entitled, "An Act to regulate burial associations, corporations and companies doing business in the State of Kentucky," as amended by "Chapter 72 of the 1908 Acts of the General Assembly of the Commonwealth of Kentucky," entitled, "An Act to amend Section 2 of an Act entitled 'An Act to regulate Burial Associations, corporations and companies doing business in the State of Kentucky,' " which Act became a law, March 24, 1906, without the approval of the Governor.

Senator Littrell moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge, than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of three hundred dollars ($300) or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the Banking Commissioner under this Act, and repealing so much of Section 4224a, Carroll's Kentucky Statutes, 1930, as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes, 1930, and repealing all acts and parts of acts in conflict with the provisions of this act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 172. An Act defining plumbing, master plumber and journeyman plumber in counties containing cities of the first and second class of the Commonwealth of Kentucky; providing for examinations and issuing certificates to qualified registered master plumbers and registered journeyman plumbers and placing same under the jurisdiction of the State Board of Health of Kentucky; and also granting to the State Board of Health of Kentucky the power to adopt and promulgate a code regulating the installation of plumbing, house drainage, sewerage and sewage disposal; designating the kind of materials and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage to be used in plumbing and drainage and the methods of their installation; prescribing the powers and duties of the State Board of Health in relation to this act and providing penalties for violation of the provisions of this act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 112. An Act relating to grand juries and amending and re-enacting Sections 2249 and 2251, Carroll's Kentucky Statutes, 1930 Edition.

Senator Franklin moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 221. An Act to appropriate $12,500.00 for repairs of the Executive Mansion.

Senator Turner moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 265. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed, defining same, providing for inspection thereof and fixing penalties for violation of this Act; naming the enforcing agent, prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this act; to provide means for carrying out its provisions; and to repeal all laws or parts of laws in conflict with this act.

Senator Gaines moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 33. An Act to amend and re-enact Section 965-35, Kentucky 1930, Carroll's Edition, as amended by Chapter 29, 1930, Acts of the General Assembly of the Commonwealth of Kentucky, relating to circuits and fixing the time for holding court in the 35th Judicial District of the Commonwealth of

Kentucky, composed of Pike and Letcher Counties, and declaring an emergency.

Senator Stephenson moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 45. An Act to repeal Chapter 20 of the Acts of the General Assembly of 1930 relating to the establishment of a Judicial Council of the Commonwealth of Kentucky and providing for its duties and expense.

Senator Van Hoose moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 34. An Act to provide for the organization, regulation and government of the State Bar, and to provide for the licensing regulation, discipline and disbarment of attorneys at law.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 154. An Act authorizing cities of the fourth and fifth classes to provide insurance or maintenance for arresting

officers, who may sustain injury, in discharge of official duty, which incapacitates such officer; and, support for widows and orphans of such officers who lose their lives in discharge of official duty, and provide funds and taxes therefor, and procedure for securing same and determining amounts to be paid; and for trials and appeals concerning same.

Senator Moss moved that said bill be passed and hold its place in the Orders of the Day.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 222. An Act to amend and re-enact "An Act relating to registration for elections in cities and towns having a population of five thousand inhabitants or more," approved March 21, 1924, and being Chapter 64 of the Acts of the General Assembly.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 12, Chapter 64, of the Acts of 1924, session of the General Assembly, be and the same is amended and re-enacted, and as amended and re-enacted shall read as follows:

In each case where a special election is to be held in any county, city, town, or subdivision thereof, either for the purpose of filling an elective office or the determination of any measure or question submitted to the voters, the special officers of registration, provided for in Section 10 hereof, shall fourteen days before such election sit for one or two days in the discretion of the Judge of the County Court, at the courthouse in a room provided by the county court clerk for that purpose, between the hours of 6 a. m. and 7 p. m., for the purpose of permitting all persons who have not previously been registered, as herein provided, and who are entitled to register,

to do so. No person shall be entitled to register at such special registration except under the requirements stated in Section 10 hereof and the same procedure shall be observed as provided in Section 10 hereof. Provided, that in addition to the class of persons entitled to register, as specified in Section 10 hereof, any person not previously registered and who is qualified to register, who became of age after the last preceding November election, shall be entitled to register.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

W. W. Booles	Wm. Isaacs	Dr. G. W. Ragan
H. M. Brock	Silas Jacobs	R. H. Royster
Edwin C. Dawson	L. C. Littrell	E. D. Stephenson
Dr. T. J. Edge	Frank I. Lloyd	Thos. O. Turner
Thos. C. Ferguson	C.T.McCormick,Sr.	Fred C. VanHoose
Walter N. Flippin	Wm. Mehler	F. M. White
Chas. G. Franklin	E. C. Moore	Sewell B. Williams
Perry B. Gaines	Ray B. Moss	W. A. Yates
Arch Hamilton	D. C. Naive	Gates F. Young
J. S. W. Holloway	Marion F. Pogue	—29

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 249. An Act providing for the appointment of city attorney in cities of the fifth class and repealing Section 3619, Kentucky Statutes, and amending Section 3649, Kentucky Statutes, Carroll's Edition, 1930.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Repealing Kentucky Statutes 3619.

§ 1. That Section 12, Chapter 250, of an Act of the General Assembly of the Commonwealth of Kentucky, Session 1893, providing for the appointment of certain officers and employees for cities of the Fifth Class by the City Council of said cities, and known as Section 3619, Kentucky Statutes, be and the same is hereby repealed.

Amending Kentucky Statutes 3649.

§ 2. That Section 3 of Chapter 84 of an Act of the General Assembly of the Commonwealth of Kentucky, Session of 1902, providing for the employment by the City Council of cities of the Fifth Class in special cases and known as Section 3649, Kentucky Statutes, Carroll's Edition, 1930, be and the same is hereby amended so as to read:

The City Council may employ an attorney for the city who may not reside in said city and he shall be paid such

compensation and perform such duties as the City Council may, by ordinance, prescribe and may be removed at any time at the pleasure of the City Council.

§ 3. That all acts or parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

Senator Jacobs moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Jas. H. Bondurant	Alex E. Johnson	J. M. Rose
W. W. Booles	L. C. Littrell	R. H. Royster
H. M. Brock	Frank I. Lloyd	E. D. Stephenson
Edwin C. Dawson	Rev. C. D. McClaw	Joe Stewart
Dr. T. J. Edge	C.T.McCormick,Sr.	Thos. O. Turner
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	D. C. Naive	F. M. White
Arch Hamilton	Marion F. Pogue	Sewell B. Williams
Wm. Isaacs	Dr. G. W. Ragan	W. A. Yates
Silas Jacobs	O. M. Rogers	Gates F. Young

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Resolved that the title thereof be as aforesaid.

Senator Jacobs moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 258. An Act relating to the government of cities of the fourth class in the Commonwealth of Kentucky so as to enable any city of the fourth class to adopt the city manager form of government as provided in this act.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any city of the fourth class may become organized and be governed under the provisions of this act by proceeding as hereinafter provided. Organizing under this act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

§ 2. All laws applicable to and governing cities of the fourth class and not inconsistent with the provisions of this act shall continue to apply to and govern each city that may organize under this act; and all by-laws, ordinances and resolutions in force in any such city and not inconsistent with the provisions of this act shall continue to be in force until altered or repealed in manner provided for in this act.

§ 3. It shall be the duty of the county judge in the county in which is located a city of the fourth class proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this act, upon the application by written petition signed by a number of legal

voters of said city equal to twenty per centum (20%) of the votes cast in said city at the last preceding election for mayor, to receive said petition, and at the next term thereafter to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election to open the polls at each and all voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this Act. The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of (naming the city in which said vote is to be taken) under the city manager form of government, according to the provisions of an Act entitled (naming this act, and giving the year or date of passage, or approval, or both)." It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears in order book, within five days after such order is made; and it shall be the duty of said sheriff, or other such officer, to have said order published in some weekly or daily newspaper published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written handbills, posted in at least three places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of said newspaper refuses to publish such notice, the printed or written handbills provided for shall be sufficient notice. If it shall be found that a majority of the legal votes cast at the election hereinabove provided for were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court and a copy thereof delivered to the clerk or recorder of the city, and at the next regular term of said court, the county judge shall cause the same to be spread on

the order book of said court, and the entry of said certificate in the order book, or a copy thereof, shall be prima facie evidence of the facts therein contained. When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this Act, and said fact shall be certified as hereinabove provided, by the said canvassing board to the county clerk, and a copy thereof shall also be certified to the city clerk, said city shall thereafter be organized and governed by the provisions of this Act. Said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the city legislative body.

§ 4. All the present city offices save those of mayor and police judge shall at the expiration of the mayor's term, or at the expiration of the term of the police judge, whichever one shall first expire, be ipso facto abolished; provided, however, that the term of any officer elected by the people shall not expire until the expiration of such term.

§ 5. If the vote shall be in favor of the organization and government of the city under the city manager from of government, then at the first succeeding regular election at which the mayor, or police judge of such city is elected, there shall be elected by the qualified voters of said city, four commissioners and a mayor, or police judge, as the case may be, who shall hold office under the provisions of this Act, and such city manager form of government shall become effective, and go into operation upon the qualification and installation in office of the mayor or police judge, as the case may be, and commissioners elected at such election.

§ 6. No person shall be elected to said office of mayor or police judge, or commissioner, without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day for regular election there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later

regular election. Each applicant for nomination shall, at least ten days before the day of said primary election, file with the county clerk a petition signed by at least fifty voters and in the following form:

We, the undersigned, qualified voters of the city of ..... (naming it), and residing each at the place indicated opposite his or her name signed hereto, do hereby request that the name of ..... (naming the applicant), be placed on the ballot as that of an applicant for the nomination for the office of ..... (naming the office sought) at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and is, in our judgment, qualified for the duties of said office.

..... Names ..... Numbers ..... Streets

.....

.....

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one such petition with reference to each office that is to be filled; and in the event that any voter shall sign more than one petition of applicants for nomination for mayor or police judge, or shall sign the petitions of more than four applicants for nomination for commissioners then the name of such petitioner shall not be counted as a valid name on any of said petitions with reference to such office. Immediately upon the expiration of the time for filing such petitions the said county clerk shall cause to be published for three consecutive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Provided,

however, that immediately upon the expiration of the time for filing such petitions, if it should appear there are not more than two applicants for the nomination as mayor or police judge, as the case may be, or not more than eight, applicants for nomination for commissioner, such applicants for mayor or police judge, as the case may be, and such applicants for commissioner shall thereby be nominated and the names of such nominees shall not be placed upon the primary ballots for such primary election, and no primary election shall be held for nomination for such office. Upon said ballots the names of said applicants for each nomination shall be printed as provided in Section 9 of this Act with a square at the right of each name, and above the names of the applicants for nomination for mayor or police judge, as the case may be, shall be printed the words, "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words, "Vote for four." The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political or party affiliation. Having caused said ballots to be printed, the said county clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the applicants, and make return thereof to the county clerk upon proper blanks to be furnished by said clerk, within six hours of the closing of the polls. On the day following the said primary election the county board of election commissioners shall canvass said returns so received from all polling precincts, and shall publish in the official newspaper of the city, at least once, the result thereof. Said canvass by the county board shall be publicly made. At such primary election the two applicants receiving the high-

est number of votes for nomination for mayor or police judge, as the case may be, shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for commissioners shall be thereby nominated.

§ 7. The expenses of all primary elections under the provisions of this Act shall be paid by the city.

§ 8. At the regular elections held under this Act the names of the nominees shall be placed upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful nominees and the heading "city ballot," and the one nominee receiving the greater number of votes cast for mayor or police judge (as the case may be), and the four nominees receiving the greatest number of votes cast for commissioners shall be elected, respectively, mayor or police judge (as the case may be), and commissioners.

§ 9. At all elections held under this Act the ballots shall be on a different sheet from all other ballots to be used in any election and shall be in the form therein prescribed, except the word "city ballot" shall be at the head thereof, and the names of all candidates for each office shall be printed on said ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots as arranged in alphabetical order and on each of the succeeding fifty ballots the names shall be printed in the same order, except that the first name on the preceding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, which last name so shifted from the first place on said previous lot of fifty ballots shall be succeeded by the second name thereon at all times, and so on thereafter throughout, a like change or rotation being made in the printed order of names for every fifty ballots.

The provisions for the general election law of the State of Kentucky as to the duties of the county clerk and other public officers in the matter of printing and distributing bal-

lots, of the issuing of them to the voters, of receiving and depositing them in ballot boxes and of counting and preserving them, and in all other particulars except as otherwise provided herein shall be applicable in all respects to the election of the municipal officers under the provisions of this Act, provided, that it shall be the duty of the sheriff of each county in which is a city of the fourth class operating under the provisions of this Act, to provide for each precinct in said city a separate box for the reception of ballots used in the election of the municipal officers. And provided, further, that it shall be the duty of the officers of election in each precinct to issue the ballots herein provided for in the same manner as other ballots are issued at said elections, by writing the name and the residence of the voter upon the primary stub and his register upon the secondary stub of the city ballot, and by observing as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for any election officer or other person within the election booth to tell or to indicate, by word of mouth or otherwise, to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor, punishable by a fine not exceeding two hundred dollars. At the opening of the polls at any election herein provided for each judge shall appoint an inspector and challenger, whose duty shall be to act as such in the precinct in which he is appointed and in so acting said inspector and challenger shall be governed by the provisions of the general election law with reference to inspector and challenger.

§ 10. Every fourth year after the election at which a mayor and said four commissioners shall be elected, and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices; and every fourth year after the election at which such police judge and said four commissioners shall be elected and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices.

§ 11. Any legal voter of not less than twenty-five years of age, and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this Act.

§ 12. The mayor shall be elected for a term of four years, beginning on the first Monday in January following his election; and shall receive an annual salary of seven hundred and fifty dollars; but provided that the mayor and commissioners elected under this Act may at any time reduce said salary to an amount not less than one dollar per annum.

§ 13. The commissioners shall be elected each for a term of two years, beginning the first Monday in January, following their election; and each shall receive an annual salary of five hundred dollars; but provided that the mayor and commissioners elected under this Act may at any time reduce said salary to an amount not less than one dollar per annum.

§ 13½. The police judge shall be elected for a term of four years, beginning on the first Monday in January following his election, and shall receive an annual salary of $900.00.

§ 14. The mayor and the four commissioners shall constitute a board of commissioners. In this board of commissioners shall be vested all the legislative, executive and administrative power of the city, save as herein otherwise provided.

§ 15. Three members of the board of commissioners shall constitute a quorum, but the affirmative vote of at least three members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract, or to the passage of any measure. Upon each vote the yeas and nays shall be recorded and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon. Each resolution, measure or ordinance shall be signed by the mayor or by two commissioners, and recorded before it shall take effect. The mayor shall have no veto power. The board of commissioners shall, at the be-

ginning of its term of office, elect, by a majority of all its members, one commissioner to act as mayor pro tem., and the commissioner so chosen shall be invested with all the powers and shall perform all the duties of the mayor, in the event of his absence from the city, or his inability to attend to the duties of his office.

§ 16. The mayor shall preside at meetings of the board of commissioners and perform such other duties consistent with his office as may be imposed by the board of commissioners. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for military purposes. In time of public danger or emergency he may, with the consent of the board of commissioners, take command of the police and maintain order and enforce the laws.

§ 17. Under the city manager form of government the board of commissioners shall elect and employ a city manager who shall not be an officer or official of the city, but the executive agent of the mayor and board of commissioners in the management of city affairs. Neither the mayor nor board of commissioners nor any commissioner shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the board of commissioners and its members shall deal with the administrative service solely through the city manager and neither the board of commissioners nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such dictation, prevention, orders, or other interference on the part of the mayor or of a member of the board of commissioners with the administration of the city shall be deemed to be a misdemeanor and upon conviction of any member so convicted shall be subject to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding sixty days, or both, and such conviction shall

operate to remove him, and the judgment of the court shall declare the office vacant.

§ 18. The city manager shall be chosen by the board of commissioners solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or State. He shall be employed for an indefinite period. He shall be removable at will by the board of commissioners, but such removal shall not be effected by a reduction in the compensation of the city manager, and if removed at any time after having served for six months he may in writing demand written charges and a public hearing on the same before the board of commissioners prior to the date on which his final removal shall take effect, but during such hearing the board of commissioners may suspend him from office. Such public hearing shall be fixed by the board of commissioners not to exceed thirty days after such demand therefor. During the absence or disability of the city manager the board of commissioners shall designate some properly qualified person to perform the duties of the office. The city manager shall receive such compensation as may be determined by the board of commissioners.

§ 19. The city manager shall be responsible to the board of commissioners for the proper administration of all affairs of the city, and to that end shall make all appointments, except as otherwise provided in this law. Except when the board of commissioners is considering his removal, the city manager shall be entitled to be present at all meetings of the board of commissioners and of its committees and to take part in their discussion.

§ 20. The board of commissioners shall, upon the written advice of the city manager, create by ordinance such administrative departments as in the judgment of the board are reasonably required for the efficient, orderly and economical administration of the business affairs of the city; and may at any time create new departments, combine or abolish existing departments, or establish temporary departments; and may

also prescribe by ordinance the functions of each department and provide for the appointment or employment of a director of each, or of one or more of such departments. Directors of departments shall be appointed by the city manager, and may be removed by him at any time. Any person employed in any department may be removed at any time by the director of such department, or by the city manager, subject to such civil service rules and regulations as may be deemed necessary for the efficient and non-political handling of city affairs.

§ 21. The board of commissioners, the city manager, and any officer or board authorized by them, or either of them, shall have the power to make investigations as to city affairs, to subpoena, witness, administer oaths, and compel the production of books and papers.

§ 22. Once each year the city manager shall prepare and submit to the board of commissioners an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government, according to a classification as nearly uniform as possible. The budget shall present the following information: (a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each department, and each division thereof for the ensuing fiscal year with comparative statements in parallel columns of the appropriations and expenses for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended; (b) an itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed; (c) a statement of the financial condition of the city; and, (d) such other information as may be required by the board of commissioners. Copies of the budget shall be printed and available for distribution not later than two weeks after submission to the board of

commissioners and a public hearing shall be given thereon by the board of commissioners or a committee thereof before action by the board of commissioners.

§ 23. The board of commissioners shall pass an annual appropriation ordinance which shall be based on the budget submitted by the city manager. The total amount of appropriations shall not exceed the estimated revenues of the city. Before the annual appropriation ordinance has been passed, the board of commissioners, with the recommendation in writing of the city manager, may make appropriations for the current department expenses, chargeable to the appropriations for the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by an officer or employee of the city, except in accordance with the provisions of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this charter. At any meeting after the passage of the appropriate ordinance, and after at least one week's notice, the board of commissioners may amend such ordinance, so as to authorize the transfer of unused appropriations for one purpose to another purpose, to appropriate available revenues not included in the annual budget.

§ 24. At the termination of each fiscal year an annual audit shall be made of all the accounts of all city officers. The board of commissioners shall require said audit to be made of said accounts by qualified public accountants, selected by the board of commissioners, who have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers or employees, and the board of commissioners shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet form shall be given to each voter who may apply for same at the proper office. Provided, further, that the board of commissioners may, at any time, provide for an examination or audit of the accounts of any officer or department of the city government.

§ 25. The mayor and each commissioner shall execute a bond to the city, upon which an action may be maintained by any person or persons, interested in the keeping of the covenants therein contained, in the penal sum of two thousand dollars, conditioned upon the faithful performance of his official duties, such bonds to be approved by the county judge, and filed as matters of public record. The board of commissioners shall require bonds with adequate surety of such amounts as it may deem advisable, from the city manager, and from any other city employee whose duties, in the opinion of said board, require a bond for faithful performance. Any premiums on any or all bonds provided for in this Act may, at the discretion of the board of commissioners, be paid by the city.

§ 26. Nothing herein shall be construed to apply to the organization, existence, or conduct of the affairs, of the board of education.

§ 27. Every ordinance or resolution ordering the construction or reconstruction of any street or sewer, or making or authorizing any contract involving the expenditure of more than five hundred dollars, or granting any franchise of the right to use or occupy the streets, highways, bridges, or public places of the city for any except a merely temporary purpose shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance shall go into effect until the expiration of ten days after its passage, except in case of emergency the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the board of commissioners.

§ 28. The board of commissioners shall meet at least once a week for the transaction of its business. It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the mayor or by two commissioners. All meetings shall be public.

§ 29. In case of the death, resignation or inability of the mayor, causing a permanent vacancy in said office, the mayor pro tem., shall act as mayor and shall possess all the rights and powers and perform all the duties of the mayor and receive his salary, under the official title, however, of mayor pro tem., until such vacancy in the office of mayor is filled by an election ordered by the board of commissioners for that purpose, at which time the mayor pro tem., if his term as commissioner be then unexpired, shall resume his duties as such commissioner. In the event that any commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in the event the mayor pro tem. shall be filling the office of mayor as contemplated as hereinabove provided for such period, the board of commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the commissioner whose place may thus be temporarily filled until such commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation. In the event of a permanent vacancy in the board of commissioners caused by the death, resignation or inability of any member thereof, or in the event a permanent vacancy in the office of mayor shall be filled by the mayor pro tem., such vacancy shall be filled by appointment by the other members of the board until the vacancy shall be filled by the election of a successor at the next regular election of municipal officers, as is prescribed by law, and such temporary appointee shall for the time he serves as such, receive the salary of the commissioner whose place he has been appointed to fill. A vacancy shall exist when any elective officer moves from his domicile outside the city, or remains outside the city, for a period of six months, or is convicted of a felony, or is judicially declared insane, or is removed from the office in any manner.

Elective officers shall qualify on or before the first Monday in January following their election.

§ 30. In case of misconduct, inability or wilful neglect

in the performance of the duties of his office, the mayor or any commissioner may be removed from office by a unanimous vote of the other four members of the board of commissioners. But no such officer shall be so removed without having been given the right to have a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at any such hearing, and the reasons for any such removal, shall be stated in writing and filed as matter of public record.

§ 31. If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and certified as to signatures and residence by the affidavits of some one or more persons, shall be presented to the board of commissioners, protesting against the passage of such ordinance such ordinance shall be suspended from going into effect, and shall be reconsidered by the board of commissioners. If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or a regular election according to law, the following question: "Shall the ordinance (briefly describing it) go into effect?" and if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority of the votes cast upon such question be in the affirmative the ordinance shall go into effect as soon as the result is officially ascertained and declared.

§ 32. If a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by affidavits of some one or more persons as to the signatures and residences, requesting the board of commissioners to pass an ordinance therein set forth—if such petition be presented to the board of commissioners, and if

the ordinance therein requested to be passed be one that the board has a legal right to pass, then the board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance (briefly described) be passed?" If a majority of the votes cast upon said question be in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective, as soon as the result is officially ascertained and declared. And such ordinance shall not be amended or repealed, except by the voters at a regular biennial city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election. The board of commissioners may submit the question of repeal or amendment of any such ordinance to the voters at any succeeding regular city election; and if a majority of the votes cast on such question be in favor of the repeal or amendment, such ordinance shall be thereby repealed, or amended, as the case may be.

§ 33. Whenever a question of passage of a proposed ordinance or of the going into effect, or the repeal, or the amendment of an ordinance is to be submitted to the voters at an election, the board of commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendment, as the case may be, to be printed once in the official newspaper of the city, and in such other newspapers as the board of commissioners may direct, before such election.

§ 34. Whenever the citizens of any city, which shall have been organized and governed under the provisions of this Act for a period of not less than four years, shall desire that the organization and government of such under the provisions of this Act shall terminate and cease, and shall desire that said city be organized and governed under the "Councilmanic Form of Government," under the provisions of an Act entitled, "An Act for the government of cities of the fourth class in the Commonwealth of Kentucky," approved March

19, 1894, as amended, which Act and which amendment do now appear as Chapter 89-4 of the Carroll's Kentucky Statutes, 1930 Edition, and said citizens shall file with the county judge of the county in which is located said city, written petitions signed by a number of the legal voters of said city equal to twenty-five per centum (25%) of the votes cast in said city at the last preceding general election, it shall be the duty of the county judge of said county to receive said petition and at the next regular term thereafter to make an order on his books, directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with said judge, which order shall direct the sheriff or other officer of said county who may be appointed to hold said election, to open the polls at each and all the voting places in said city for the purpose of taking the sense of the voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this Act, and the adoption of the "Councilmanic Form" of government as provided for in said Act above named and the amendment thereto. The question to be submitted to the voters shall be: "Shall the city of ..... (naming said city) abandon its organization and government under the 'City Manager' form of government as provided for in an Act entitled (naming this Act, and giving the year or date of passage or approval, or both), and be organized and governed under the Councilmanic' form of government as provided for in an Act entitled: 'An Act for the government of cities of the fourth class in the Commonwealth of Kentucky', approved March 19, 1894, and the amendments thereto." It shall be the duty of the county clerk to give to the sheriff of the county or to such other officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears on the order book, within five days after such order is made and it shall be the duty of said sheriff or other officer, to have such order published in some weekly or daily newspaper published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed

or written handbills posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of such paper refused to publish said notice, the printed or written handbills provided for shall be sufficient notice. The sheriff or other officer shall have the advertisements and notices herein provided for, posted as herein required, within seven days after he receives the orders of the county court. It shall be the duty of the canvassing board to certify the result of said election to the county court, which certificate shall be delivered to the clerk of the city and at the next regular term of said court the county judge shall cause the same to be spread upon the order book of said court and the entry of said certificate on the order book, or copy thereof shall be prima facie evidence of the facts therein contained. When a majority of the votes cast shall be in favor of said proposition to be submitted, and said facts shall be certified to as hereinbefore provided, by the said canvassing board to the county clerk and a copy of which shall be certified to the city clerk and said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the board of commissioners, thereupon said city shall cease to be governed by the provision of this Act, but thereafter shall be governed by the "Councilmanic" form of municipal government as provided for in an Act entitled: "An Act for the government of cities of the fourth class in the Commonwealth of Kentucky," and the amendments thereto, which said Act was approved March 19, 1894, independent of the provisions of this Act. Provided that the commissioners then or theretofore elected shall continue in office and administer the government of such city until the expiration of the terms for which they were elected; and provided further that elections under this section shall not be held at the same time commissioners are elected.

§ 35. Nothing in this Act shall be construed to prevent any city of the fourth class in the Commonwealth of Kentucky from becoming organized and being governed under the com-

mission form of municipal government as provided in Article 13 of Chapter 89-4 of the 1930 Edition of John D. Carroll's Kentucky Statutes, and being Sections 3606b to 3606b-30 inclusive thereof, by following the procedure therein provided for.

§ 36. All Acts, or part of Acts, in conflict herewith are, to the extent of such conflict, hereby repealed.

§ 37. If any section of this Act be held invalid, or unconstitutional, such fact shall not affect any other section of this Act, it being the intention of the General Assembly in enacting this Act to enact each section separately; and if any proviso or exception contained in any section of this Act shall be held to be invalid, or unconstitutional, such fact shall not affect the remaining portion of such section, it being the intention of the General Assembly to enact each section of this Act and each proviso and each exception thereto, separately.

Senator Holloway moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Jas. H. Bondurant	Silas Jacobs	J. M. Rose
W. W. Booles	Alex E. Johnson	R. H. Royster
H. M. Brock	L. C. Littrell	E. D. Stephenson
Edwin C. Dawson	Frank I. Lloyd	Joe Stewart
Dr. T. J. Edge	Rev. C. D. McCaw	Thos. O. Turner
Thos. C. Ferguson	Wm. Mehler	Fred C. VanHoose
Walter N. Flippin	Ray B. Moss	F. M. White
Arch Hamilton	D. C. Naive	Sewell B. Williams
J. S. W. Holloway	Marion F. Pogue	W. A. Yates
Wm. Isaacs	Dr. G. W. Ragan	Gates F. Young

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Those who voted in the negative were:

O. M. Rogers —1

Resolved that the title thereof be as aforesaid.

Senator Holloway moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 9. An Act amending and re-enacting Section 14 of Chapter 19 of the Acts of 1916, being an Act entitled: An Act for further regulation of fire insurance companies, agents, rates, fire prevention, etc., providing for the statement with application for license for agent, defining and enlarging powers and duties of the Insurance Commissioner in relation thereto, and repealing all laws in conflict herewith; approved March 15, 1916; which is now Section 762-a-14, Carroll's Kentucky Statutes.

Senator Yates proposed the following amendment to said bill:

Amend House Bill 9 in the Senate, by adding in Section 5 thereof, after the words "period of time" in line 3, page 4 of the printed bill the words, "not to exceed ninety days."

Senator Yates moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Ferguson proposed the following amendment to said bill:

Amend House Bill 9 in the Senate, by adding after the word "county" on page 5, line 21 of the printed bill the words "or the Circuit Court in the county in which the person aggrieved resides."

Senator Ferguson moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Yates moved that said bill be made a special order for Monday, February 8th, immediately after S. B. 51.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 51. An Act to amend and re-enact Section 4 of Chapter 49 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky.

Senator Brock moved that said bill be made a special order for Monday, February 8th, at 1 o'clock P. M. or immediately after the opening of the Senate.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 34. An Act to provide for the organization, regulation and government of the State Bar, and to provide for the licensing, regulation, discipline and disbarment of attorneys-at-law.

Senator Rogers moved that said bill be made a special order for Tuesday, February 9th, at 10:30 o'clock A. M.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 168. An Act relating to the employment of stenographers for county attorneys in counties other than those containing cities of the first class.

Senator Yates moved that said bill be postponed indefinitely.

The question being taken thereon, it was decided in the affirmative and said bill was postponed indefinitely.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 46. An Act to establish community hospitals in counties, as provided in Chapter 88 of the Acts of 1924.

Senator Yates moved that said bill be recommitted to the Committee on Public Health.

The question being taken thereon, was decided in the affirmative and

Said bill was recommitted.

COMMITTEE REPORTS

Senator Williams of the Committee on Suffrage and Elections, to which had been referred a bill of the following title:

S. B. 93. An Act to amend and re-enact Section 1461 of the 1930 Edition of Carroll's Kentucky Statutes.

Reported with expression of opinion that same ought to pass.

Senator Gates F. Young of the Committee on Banks and Trust Companies, to which had been referred a bill of the following title:

S. B. 266. An Act to repeal, amend and re-enact Section 165a-17, Carroll's Kentucky Statutes, 1930 Edition, relating to insolvent banks, powers and duties of commissioners in respect to assets of said bank and fixing amount of bonds for commissioner, deputy commissioner, state bank examiner or receiver of such banks, and providing for distribution of assets thereof.

Reported with expression of opinion that same ought to pass.

Senator Booles of the Committee on Revenue and Taxation, to which had been referred a bill of the following title:

H. B. 111. An Act to define oleomargarine and to prescribe regulations to govern the manufacture, storage and sale thereof; to provide for the issuance of license to the manufacturers and venders thereof on payment of fees therefor, and for revocation of such license for violations of this Act; to provide a privilege tax on sales oleomargarine; to provide

for the enforcement of the provisions of this Act by the State Tax Commission and its agents; and declaring a violation of this Act to be a misdemeanor and providing punishment therefor, and authorizing the State Tax Commission to make rules and regulations to carry into effect this act, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

Reported with expression of opinion that same ought to pass.

Senator Mehler of the Committe on Municipalities, to which had been referred a bill of the following title:

S. B. 219. An Act to authorize cities of the second class to levy a tax for the purpose of providing a fund for the organization, employment and maintenance of a band, orchestra or drum and bugle corps.

Reported with expression of opinion that same ought to pass.

Senator Gates F. Young of the Committee on Banks and Trust Companies, to which a bill of the following title had been referred.

H. B. 84. An Act providing for the reopening and reorganization of closed Banks or Trust Companies or combined Banks and Trust Companies in this Commonwealth.

The Committee on Banks and Trust Companies proposed the following amendments:

Amend H. B. 84, on page 2 of the original bill by striking out the following: "When seventy-five per cent in both number and amount of the depositories, and seventy-five per cent of the deposits as aforesaid" and insert in lieu thereof the following: "When seventy-five per cent of the deposits in amount as aforesaid."

Reported with expression of opinion that same ought to pass with amendment thereto.

Senator Williams of the Committee on Suffrage and Elections to which had been referred a bill of the following title:

S. B. 94. An Act to amend and re-enact Section 1460 of the 1930 Edition of Carroll's Kentucky Statutes.

Reported with expression of opinion that same ought to pass.

Senator Williams of the Committee on Suffrage and Elections to which had been referred a bill of the following title:

S. B. 95. An Act to amend and re-enact Section 1482 of the Baldwin's 1931 Supplement to Carroll's Kentucky Statutes, and being Section 4 of Chapter 49 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1930 Session.

Reported with expression of opinion that same ought to pass.

Senator Mehler of the Committee on Municipalities, to which had been referred a bill of the following title:

An Act to amend and to re-enact Section Seventeen Hundred and Sixty-three (1763) of Carroll's Kentucky Statutes, Nineteen Hundred and Thirty Edition, as amended by Chapters 113 and 123 of the Acts of the General Assembly of 1930, and to fix the salary of the Chief Deputy in the office of the sheriff in counties having a population of two hundred thousand or over.

Reported with expression of opinion that same ought to pass.

Senator Hamilton of the Committee on Universities and

Normal Schools, to which had been referred a bill of the following title:

S. B. 42. An Act authorizing the Board of Regents of the Morehead State Teachers College to acquire by gift, certain property in Johnson County and thereto to establish, operate and maintain a Normal School and Teachers College at Paintsville, in Johnson County, Kentucky, under the name of "John C. C. Mayo College of the Morehead State Teachers College."

Reported with expression of opinion that same ought to pass.

Senator Rogers of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

H. B. 90. An Act to amend and re-enact Chapter 29 of the Acts of the General Assembly of Kentucky of 1928, approved March 20, 1928, which was: An Act relating to fines and forfeitures in courts inferior to the circuit court except police courts and fixing the percentum of such fines and forfeitures to be paid to the county and Commonwealth attorneys, respectively, and repealing Sections 124 and 133, Kentucky Statutes, Carroll's 1915 Edition, and Section 2554a-43, Kentucky Statutes, Baldwin's Supplement to Carroll's 1922 Edition, being Section 43 of Chapter 35 of the Acts of the General Assembly of 1922, to the extent only of the conflict between this act and of said sections.

Reported with expression of opinion that same ought to pass.

Senator Johnson of the Committee on Judicial Council to which had been referred a bill of the following title:

S. B. 185. An Act to amend Section 36 of Carroll's code of Criminal Practice, Baldwin's 1927 Edition, relating to arrests.

S. B. 183. An Act to amend Section 28 of Carroll's Criminal Code of Practice, Baldwin's 1927 Edition, and relating to bail in criminal cases.

S. B. 195. An Act to provide the circuit courts of this State with copies of the Statutes and Codes of Practice and Supplements thereto and repealing Section 2432 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision.

S. B. 193. An Act to amend and re-enact Sections 971-3, 971-4, 971-10, 971-12 and 971-13 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930.

S. B. 188. An Act to amend Section 191 of the Criminal Code of Practice relating to the formation of the jury and providing for a thirteenth juror in certain cases.

All of the above bills reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 300. An Act repealing Section 2739f-4, Kentucky Statutes, Carroll's 1930 Edition, including all and singular sub-sections thereof, being all of Chapter 26 of the Acts of the General Assembly of 1922; and enacting in lieu thereof an Act creating a commission of five members to be known as "My Old Kentucky Home Commission," fixing the qualifications and terms of office of the members of said Commission, and prescribing the powers and duties of said Commission; and declaring an emergency to exist.

Reported with expression of opinion that same ought to pass.

ENROLLMENT REPORT

Senator Stewart of the Committee on Enrollment reported

that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate of the following titles:

H. B. 20. An Act to provide for the more effiicent and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred and fifty thousand (250,000), and to reduce the number of magisterial districts therein, by amending and re-enacting Section one thousand and seventy-nine (1079) of the Kentucky Statutes to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants, defining their duties and requiring bonds therefrom, with surety; defining certain duties of constables and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places; fixing the filing fees, and providing for rules of practice in said courts and fixing penalties for the violation of said officers of their duties.

Whereupon all other business was suspended. Said bill was read at length and compared in open Senate, and was found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bill.

Ordered that the Enrolling Clerk deliver said bill to the House of Representatives.

Senator Gates F. Young moved that when the Senate adjourn it do adjourn until Monday, February 8, at 1:30 o'clock P. M.

Said motion was agreed to.

Senator Brock moved that the Senate go into a Committee

of the Whole House to hear the Hon. John Hager, the oldest lawyer in the State of Kentucky, address the Senate.

Said motion was agreed to.

Thereupon, the President of the Senate vacated the chair and Senator Brock was called as President pro-tem to preside over the Committee of the Whole House.

After a time Senator Brock moved that the Committee arise and reported progress, and the said committee of the Whole House was dissolved.

Thereupon, the Senate resumed work.

Senator Johnson moved that the Senate recess until 1:30 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1:30 P. M.

Senator Mehler moved that the privileges of the floor be extended to Mr. and Mrs. Harry Ried and Mrs. Ida M. Turner.

Said motion was agreed to.

Senator Lloyd moved that the privileges of the floor be extended to Mr. C. Milliken.

Said motion was agreed to.

Senator Johnson moved that the Senate do now adjourn.

Said motion was agreed to.